

CHAPTER 3: ZONING DISTRICTS

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Section 3.1 Establishment of Zoning Districts

3.1.1 Purpose Statement for Establishment of Zoning Districts

In accordance with the requirement of NCGS §160A-382 that zoning regulation be by districts, the jurisdiction of the Town, is hereby divided into districts described below and shown on the Zoning Map accompanying this Ordinance. The zoning districts shall be governed by all of the uniform use and dimensional requirements of this Ordinance.

The purposes of establishing the following zoning districts are:

- To implement the Comprehensive Plan;
- To promote public health, safety, and general welfare;
- To provide for orderly growth and development;
- To provide for the efficient use of resources;
- To facilitate the adequate provision of services.

3.1.2 Purpose Statements for Base Zoning Districts

- GENERAL RESIDENTIAL**
- **RP (Rural Preservation District).** The RP district is provided to accommodate very low density residential development and agricultural uses and to protect natural vistas and landscape features that define rural areas.
 - **RS (Suburban Residential District).** The RS district is established as a district in which the principal use of land is for low density single-family residences along with their customary accessory uses.
 - **RT (Town Residential District).** The RT district is intended for existing neighborhoods within the core of Troutman. It is established as a district in which the principal use of land is for medium density single-family residences along with their customary accessory uses. It is expected that all dwellings will have access to public or community water and sewer facilities, or have reasonable expectation of such facilities in the near future.
 - **RM (Mixed Residential District).** The RM district is intended primarily for the location of single-family, two-family, and multi-family dwellings along with their customary accessory uses so as to establish areas where development patterns are somewhat denser than surrounding areas. Any RM development shall have access to public or community water and sewer.
 - **RMH (Manufactured Home Park District).** The RMH district is established in order to provide for the proper location and planning of attractive manufactured home park developments. Development standards and requirements are included. For the purpose of occupancy, all manufactured homes, mobile homes, and trailers, other than in the RP district shall be located within a manufactured home park within the R-MH district.

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- **OI (Office and Institutional District).** The OI district is intended to accommodate a variety of office uses, related low intensity retail uses, and some higher density multi-family uses. In addition, this district can create areas to serve as transitional buffers between residential districts and commercial districts, the number and type of retail uses permitted is limited. The primary purpose of this district is to accommodate existing and new office and institutional areas.
- **NC (Neighborhood Center District).** The N-C district is intended primarily for local centers designed to serve relatively small trading areas in developed or developing portions of Troutman. Incentive is given to encourage mixed use development. As a result, the list of commercial establishments allowed in this district is more limited than in other districts. The standards for these areas are designed to promote sound, permanent mixed-use development and to serve surrounding residential areas. All N-C districts shall be a minimum of three (3) acres and a maximum of 50 acres.
- **CB (Central Business District).** The C-B district is established as the centrally located trade and commercial service area of Troutman. The regulations of this district are designed to encourage the continued use of land for community trade and commercial service uses and to permit a concentrated development of permitted uses while maintaining a substantial relationship between the intensity of land uses and the capacity of utilities and streets.
- **HB (Highway Business District).** The HB district is established to provide a wide array of primarily retail and service uses to a large trading area for persons residing in and/or traveling through the Troutman area. Such uses shall be located and designed in such a manner so as to promote aesthetics, the safe and efficient movement of traffic, and to not unduly burden adjoining thoroughfares. Given the large traffic volumes generated by uses located in such a district, any area so zoned shall have access onto an arterial or collector thoroughfare.
- **IL (Light Industrial District).** The IL district is established to accommodate light industrial uses that are compatible with adjoining uses. In addition the district is provided for office parks, limited retail, and limited service uses that service industrial uses. Such uses within this district should not be inherently obnoxious to urban areas because of noise, odors, dust, smoke, light or uses of dangerous materials.
- **IH (Heavy Industrial District).** The IH district is designed primarily for certain commercial and general industrial land uses, including manufacturing, processing, and assembling of goods, product distribution facilities, and a broad variety of specialized commercial and industrial operations. Certain industrial uses which could potentially have a significant effect on the environment or public utilities, significantly increase traffic volumes, or otherwise significantly impact adjoining properties require a Special Use Permit as noted in the permitted uses table.

3.1.3 Purpose Statement for Conditional Zoning Districts

Conditional Zoning Districts (CZ). Allows for the consideration of certain uses that, because of their nature or scale, have particular impacts on both the immediate area and the community as a whole. The development of these uses cannot be predetermined and controlled by general district regulations. Circumstances arise when a general zoning district designation would not be appropriate for a certain property, but specific uses permitted would be consistent with the objectives of these regulations, the adopted Land Use Plan, and the adopted district. Conditional Zoning is intended to be flexible to the planning and development process, but at the same time, create additional controls which can establish specific development standards to insure quality development as well as additional rules, regulations, and conditions that are imposed as part of the legislative decision process. A Conditional Zoning (CZ) District is not intended for securing speculative zoning for a proposal but rather is based on a firm development plan.

Within a Conditional Zoning District, only those uses permitted in the zoning district with which the CZ district corresponds shall be permitted. The Town Board may also impose additional reasonable safeguards to serve the purpose and intent of this Ordinance. The approved Concept Plan is a condition of the rezoning.

Each base zoning district may be designated as a Conditional Zoning District by prefixing the base zoning district with a “CZ.” See Chapter 9 and Chapter 13 for the Conditional Zoning District process. In addition the Planned Unit Development (PUD) and Conservation Cluster (CC) districts shall only be established through Conditional Zoning in accordance with the provisions of this Ordinance.

3.1.4 Purpose Statement for Overlay Zoning Districts

In accordance with the authority provided by NCGS 160A-382, the Town hereby establishes the following overlay districts which shall be governed by all of the uniform use and area requirements of this Ordinance. Within these overlay districts, supplemental requirements are imposed on certain properties within one or more underlying general or conditional zoning districts.

- Watershed Overlay District (See 3.5).
- Flood Damage Prevention Overlay District (See 3.6).

Section 3.2 Permitted and Special Uses

3.2.1 Use Matrix and Interpretation

Each zoning district has uses permitted by right, uses permitted with additional requirements, and special uses. The detailed permitted uses table below contains a listing of uses which may be permitted in one or more of the various zoning districts. Uses are listed in alphabetical order within seven (7) categories as follows: Residential, Civic, Institutional, Office & Service, Retail, Manufacturing, Warehousing, Distribution, and Other. The Technical Review Committee shall review all design standards. The following describes the processes of each of the three categories that the uses are subject to:

- **Permitted by Right:** Administrative review and approval subject to district provisions and other applicable requirements only. Designated with the letter “P” in the table below.
- **Permitted with Additional Requirements:** Administrative review and approval subject to district provisions, other applicable requirements, and additional requirements outlined in Chapter 4. Designated under the “AR” column in the table below with corresponding reference.
- **Special Uses:** Administrative review and recommendation, Board of Adjustment review and approval of Special Uses, other applicable requirements, and conditions of approval. Some Special Uses may also be subject to additional requirements outlined in Chapter 4. Designated with the letter “S” in the table below.
- **Prohibited Uses:** An empty cell indicates the listed use is not allowed with the respective zoning district, unless otherwise expressly allowed in the Ordinance.
- **Uses Not Specifically Listed:** In the case where a use is not specifically listed under any of the district regulations, the Planning Director shall determine the appropriate district or districts where such use shall be allowed based on a comparison of other uses which most closely resemble the unlisted use. Where the Planning Director is unable to determine the appropriate placement, the Town Board shall be called upon for interpretation.

3.2.2 Other Requirements

- A. See Chapter 5 for building design requirements.
- B. See Chapter 6 for open space requirements.
- C. See Chapter 7 for landscaping and buffering requirements.
- D. See Chapter 8 for off-street parking and loading requirements.
- E. See Chapter 11 for sign requirements.

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3.2.3 Permitted and Special Uses Matrix												
Use	Zoning Districts											
Residential Uses	RP	RS	RT	RM	RMH	OI	NC	CB	HB	IL	IH	AR
Accessory dwellings	P	P	P									4.34
Accessory structures (residential)	P	P	P	P	P	P	P					4.2
Boarding Houses				P	P							4.8
Family Care Homes	P	P	P	P	P	P	P					4.13
Home Occupations	P	P	P	P	P	P	P	P				4.14
Manufactured Homes (on individual lots)	P	P			P							4.15
Manufactured Home Parks					P							4.16
Mixed Use Buildings (upper floor residential)				P			P	P	P			
Multi-family Developments				P			S	P	P			4.17
Rural Cluster Development	P											4.22
Single-family, attached			S	P			S	P	P			4.17
Single-family, detached	P	P	P	P	P	P	P					
Two-family, attached (duplex)		S	S	P	P	P	P					
Use	Zoning Districts											
Civic	RP	RS	RT	RM	RMH	OI	NC	CB	HB	IL	IH	AR
Cemeteries (accessory use)	P	P	P	P	P	P	P	P	P	P	P	4.9
Government buildings	S	S	S	S	S	P	S	P	P	P	P	
Non-profit organizations	S	S	S	S	S	P	S	P	P	P	P	
Religious uses	S	S	S	S	S	P	S	P	P	P	P	
Schools (public)	S	S	S	S	S	P	S	P	P	P	P	
Use	Zoning Districts											
Institutional	RP	RS	RT	RM	RMH	OI	NC	CB	HB	IL	IH	AR
Cemeteries (principal use)	P					S						4.9
Colleges & Universities						P	S	P	P	P	P	
Correctional Facilities						S						
Daycare Centers				S		P	P	P	P			4.10
Hospitals						P		P	P	P	P	
Museums						P		P	P			
Residential Care Facilities				S		P	S	P	P			
Research Facilities						P		P	P	P	P	
Schools (private)	S	S	S	S		P	S	P	P	P	P	
Schools (instructional)						P	S	P	P	P	P	
Use	Zoning Districts											
Office & Service	RP	RS	RT	RM	RMH	OI	NC	CB	HB	IL	IH	AR
Animal Services (no outdoor kennels)	S					P	P	P	P	P	P	
Animal Services (with outdoor kennels)									S	P	P	4.4
Automotive Services									S	S	S	4.5
Bed & Breakfast Inns	S	S	S	P		P	P	P				4.7
Boat Services									S	S	S	4.5
Heavy Equipment Services									S	S	S	4.5
Hotels/Motels						S		S	S			
Manufactured/Modular Home Services									S		S	4.5

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Office Uses (less than 5,000 square feet)						P	P	P	P	P	P	
Office Uses (5,000-15,000 square feet)						P	S	P	P	P	P	
Office Uses (15,000-30,000 square feet)						P		S	P	P	P	
Office Uses (greater than 30,000 square feet)						P			S	S	P	
Palmistry/Palm Reading/Fortune Tellers/Psychic Services									P			4.28
Service Uses (less than 5,000 square feet)						P	P	P	P	P	P	
Service Uses (5,000 to 15,000 square feet)							S	P	P	P	P	
Service Uses (greater than 15,000 square feet)									S	S	P	
Tattoo/Body piercing establishments									P			
Use Zoning Districts												
Retail	RP	RS	RT	RM	RMH	OI	NC	CB	HB	IL	IH	AR
Automotive Sales									P	P	P	4.5
Boat Sales									S	S	S	4.5
Drive-through uses									S			4.11
Farmer's Market	P			P	P	P	P	P	P	P		4.33
Heavy Equipment Sales									S	S	S	4.5
Manufactured/Modular Home Sales									S	S	S	4.5
Nurseries	S								S	P		
Outdoor Sales							P	P	P	P		4.18
Produce Stands (permanent)	P											4.21
Restaurant (part of multi-tenant building)						P	P	P	P	P		
Restaurant (free-standing)						S	P	P	P	P		
Retail Uses (less than 5,000 square feet)						P	P	P	P	P	P	
Retail Uses (5,000-15,000 square feet)							S	P	P			
Retail Uses (15,000-30,000 square feet)								S	P			
Retail Uses (greater than 30,000 square feet)									S			
Shopping Center (less than 30,000 square feet)								P	P			
Shopping Center (30,000-60,000 square feet)								S	P			
Shopping Center (greater than 60,000 square feet)									S			
Use Zoning Districts												
Manufacturing, Warehousing, Distribution	RP	RS	RT	RM	RMH	OI	NC	CB	HB	IL	IH	AR
Distribution (accessory use)										P	P	
Distribution (principal use)										S	S	
Hazardous Materials Use/Storage									S	S	S	
Heavy Manufacturing											S	
Light Manufacturing										P	P	
Mini Warehousing										P	P	
Warehousing (accessory use)									P	P	P	
Warehousing (principal use)										P	P	
Wholesale Trade										P	P	

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Use	Zoning Districts											
<i>Other</i>	RP	RS	RT	RM	RMH	OI	NC	CB	HB	IL	IH	AR
Adult Establishments									S			4.3
Agricultural uses (commercial)	S											4.32
Bars & Nightclubs								S	S			4.6
Buildings greater than 50 feet in height							S	S				
Entertainment uses									S	S	P	
Essential Services Class 1 & 2	P	P	P	P	P	P	P	P	P	P	P	
Essential Services Class 3									S	S	S	
Fairgrounds										P	P	4.27
Family Campgrounds	S											4.12
Internet Sweepstakes												
Junkyard										S	S	4.31
Landfill, Beneficial	S	S	S	S	S	S	S	S	S	S	S	4.29
Landfill, LCID & CD										S	S	
Landfill, Sanitary											S	4.30
Livestock, Keeping	P	P	P	P	P	P	P	P	P	P	P	4.24
Outdoor Storage (non-residential)	S								S	S	S	4.19
Parks (public)	P	P	P	P	P	P	P	P	P	P	P	
Parking of Commercial & Recreational Vehicles	P	P	P	P	P	P	P	P	P	P	P	4.21
Parking, Off-Street (principal use)	S	S	S	S	S	S	S	S	S	S	S	
Recreational Facilities (private)	S	S	S	S	S	P	P	P	P	P	P	
Recreational Facilities (public)	S	S	S	S	S	P	P	P	P	P	P	
Swimming Pools (private principal use)	P	P	P	P	P							
Temporary Uses (A-D)	P	P	P	P	P	P	P	P	P	P	P	4.23
Temporary Uses (E)						P	P	P	P			4.23
Wineries	P	P								P	P	4.26
Yard Sales	P	P	P	P	P							4.25

Section 3.3 Dimensional and Density Regulations

3.3.1 Dimensional and Density Regulations Purpose

The purpose of the Dimensional and Density Regulations Matrixes shown in Sections 3.3.3 and 3.3.4 are to establish minimum and/or maximum standards for lot sizes, widths, density, setbacks, and height of principal and accessory uses within each zoning district.

3.3.2 Other Requirements

- A. See Chapter 5 for building design requirements.
- B. See Chapter 6 for open space requirements.
- C. See Chapter 7 for landscaping and buffering requirements.
- D. See Chapter 8 for off-street parking and loading requirements.
- E. See Chapter 11 for sign requirements.

3.3.3 Dimensional Requirements Matrix for Principal Structures

Zoning District #	Minimum Lot Size			Street Frontage (ft.)
	Min. Lot Size (acres or sq ft)	Max Density Units/Acre	Lot Width (ft.)	
RP (All Uses)	3 acres*	1 du/3 acre	200	20 ft for one way traffic and 30 ft for two way traffic (20 ft for two way traffic is allowed when 10 ft driveway are permissible as outline in Chapter 8)
RM (Single Family Detached, Duplex)	No Min.	4	60 (40 alley loaded)	
RM (Mixed Residential, Multi-Family, Single Family Attached)	No Min.	12	No Min.	
RM (Other Uses)	.5 acre	n/a	60	
RT (Single Family Detached, Duplex)	.25 acre	4	80	
RT (Single Family Attached)	No Min.	4	No Min.	
RT (Other Uses)	.5 acre	n/a	80	
RS (Single Family Detached, Duplex)	.5 acre	2	80	
RS (Other Uses)	.5 acre	n/a	60	
RMH (Single Family Detached, Duplex)	10,000 sq ft	-	70	
RMH (Manufactured Home without water/sewer)	.5 acre	-	45	
RHM (Manufactured Home with water/sewer)	7,000 sq ft	-	45	
RMH (Other Uses)	.5 acre	-	80	
OI (Single Family Detached, Duplex)	1 acre	1	100	
OI (Other Uses)	9,000 sq ft	n/a	No Min.	
NC (Single Family Detached, Duplex)	10,000 sq ft lot (3 acre min., 50 acre max district)	8	60 (40 alley loaded)	
NC (Mixed Residential, Multi-Family, Single Family Attached)		12	No Min.	
NC (Other Uses)		n/a	No Min.	
CB (Mixed Residential, Multi-Family, Single Family Attached)	No Min.	16 (more through Conditional Zoning)	No Min.	
CB (Other Uses)	No Min.	n/a	No Min.	
HB (Mixed Residential, Multi-Family, Single Family Attached)	No Min.	12	No Min.	
HB (Other Uses)	No Min.	n/a	No Min.	
IL (Manufacturing)	No Min.	n/a	No Min.	
IL (Other Uses)	No Min.	n/a	No Min.	
IH (Manufacturing)	No Min.	n/a	No Min.	
IH (Other Uses)	No Min.	n/a	No Min.	

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Zoning District #	Minimum Yard Requirements			
	Front/Corner Setback (ft)	Side Setback (ft) ***	Rear Setback (ft) ***	Max Height (ft)
RP (All Uses)	50	30	50	50
RM (Single Family Detached, Duplex)	25	10	25	50
RM (Mixed Residential, Multi-Family, Single Family Attached)	25	10	25	50
RM (Other Uses)	25	10	25	50
RT (Single Family Detached, Duplex)	30	10	25	35
RT (Single Family Attached)	30	15	25	35
RT (Other Uses)	30	15	25	35
RS (Single Family Detached, Duplex)	25	10	25	50
RS (Other Uses)	25	10	25	50
RMH (Single Family Detached, Duplex)	30	10	25	50
RMH (Manufactured Home without water/sewer)	20	10	25	50
RHM (Manufactured Home with water/sewer)	20	10	25	50
RMH (Other Uses)	30	15	25	50
OI (Single Family Detached, Duplex)	30	15	25	50
OI (Other Uses)	15	15	25	50
NC (Single Family Detached, Duplex)	25	10	25	50
NC (Mixed Residential, Multi-Family, Single Family Attached)	25	10	25	50
NC (Other Uses)	25	10	25	50

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CB (Mixed Residential, Multi-Family, Single Family Attached)	15	10	10	3 stories (more through Conditional Zoning)
CB (Other Uses)	15	10	20, 30 adj. to residential district	50****
HB (Mixed Residential, Multi-Family, Single Family Attached)	15	10, 25 adj. to residential district	20	50
HB (Other Uses)	15	10 interior, 25 adj. to residential district	20	50
IL (Manufacturing)	30	10 interior, 30 adj. to residential district	20 interior, 30 adj. to residential district	50
IL (Other Uses)	30	10 interior, 25 adj. to residential district	10 interior, 25 adj. to residential district	50
IH (Manufacturing)	30	10 interior, 50 adj. to residential district	25 interior, 50 adj. to residential district	50
IH (Other Uses)	30	10 interior, 30 adj. to residential district	10 interior, 30 adj. to residential district	50

3.3.4 Dimensional Requirements Matrix for Accessory Structures

Zoning District	Total Area	Front Setback (ft)	Side Interior Setback (ft)	Side Corner Setback (ft)	Rear Setback (ft)	Rear Garage Door Setback (ft)
RP (All Uses)	The total area of all accessory structures shall not exceed 25% of the parcel. A site plan shall be required for accessory structures 600 sq ft or greater.	Accessory structures may be located in the front yard, but not closer than 75' from the property line or street right-of-way (standard side and rear setbacks apply).	15	20	15	-
RM (All Uses)			10	20	10	30' from right-of-way or alley
RT (All Uses)			10	20	10	30' from right-of-way or alley
RS (All Uses)			10	20	10	-
RMH (All Uses)			10	20	10	-
OI (All Uses)			10	20	10	-
NC (All Uses)			10	20	10	30' from right-of-way or alley
CB (All Uses)			0, 10 adjacent to residential district	20	5, 10 adjacent to residential district	30' from right-of-way or alley
HB (All Uses)			0, 10 adjacent to residential district	20	10, 20 adjacent to residential district	30' from right-of-way or alley
LI (All Uses)			5, 30 adjacent to residential district	20	10, 30 adjacent to residential district	-
HI (All Uses)			5, 30 adjacent to residential district	20	10, 30 adjacent to residential district	-

Section 3.4 Designated Conditional Zoning Districts**3.4.1 Planned Unit Development (PUD) Intent**

The purpose of a Planned Unit Development (PUD) is to plan and promote neighborhoods that embody variety, innovation, and flexibility in development by allowing a variety of uses, lot sizes, housing prices, dwelling unit types, and design requirements. PUD districts shall only be considered as a Conditional Zoning District (see Section 3.2). The minimum area contained within a PUD district shall be 50 acres. The intent of a PUD is to:

- Permit a creative approach to the development of land;
- Provide for an efficient use of land;
- Enhance the appearance of neighborhoods through preservation of natural features;
- Provide for recreational areas and open space where appropriate.

All streets within the PUD shall be public and built to Town Standards contained within Chapter 8 and Appendix B of this Ordinance. This shall include, as a minimum, street width, sidewalk, and curb and gutter requirements. The amount of open space shall be at least 25% of the total gross area of the proposed development. In addition to all subdivision application materials required, the applicant shall submit a site analysis map to ensure that important site features have been adequately identified and incorporated into the PUD; such as, property boundaries, water features, topography, mature forest stands, rock outcroppings, pastures, soil types, scenic views from public roadways, and existing structures.

3.4.2 Uses

Land Use types shall be allocated as follows:

Use	Land Allocation (percent of total area)	Max. Density (units per acre)
Open Space	25% minimum	n/a
Residential (single family, duplex, multi-family)	50% minimum	4
Non-Residential (civic, retail, office, or service)	2% minimum	n/a

A mix of uses is encouraged provided that:

- Non-residential uses within the PUD shall be designed to serve residents of the PUD and nearby areas only. Large scale establishments and developments intended to serve the entire community are not encouraged in a PUD.
- Non-residential uses that are contained in the PUD shall be limited to those contained in O-I, C-B, or N-C.
- A food stores shall have a maximum gross floor area of 30,000 square feet. The maximum gross floor area of for any other commercial use within the PUD shall be 10,000 square feet. Hours of operation of any non-residential use shall be anytime between 6:00am and 12 midnight.

3.4.3 Dimensional Requirements

Minimum lot size, lot width, and/or setback requirements shall be determined through the Conditional Zoning process and must meet or exceed the following requirements;

- A. Side and rear yard setbacks must remain the same as adjoining properties that are not inclusive of the subdivision. However, a 5' reduction in the rear yard setback is permitted against adjoining properties provided that opaque screening is installed along the rear boundary.
- B. Each lot must be of sufficient size and dimension that it can support the structures to be located on it, consistent with all other applicable regulations of this ordinance including off-street parking, accessory structures, and utility easements.
- C. Single family detached dwelling units shall have a minimum 10' separation.

3.4.4 Location of Accessory Buildings and Structures

The total area of all accessory structures shall not exceed 25% of the parcel. Accessory structures may be located in the front yard, but not closer than 75' from the front of the property line or street-right-of-way (standard side and rear setbacks apply). A site plan shall be required for accessory structures 600 sq ft or greater.

Minimum Setbacks for Accessory Structures are as follows:

Side (interior): 5 feet

Side (corner): 10 feet*

Rear: 5 feet*

*for garages: minimum setback of garage door is 30 feet from street right-of-way or alley.

3.4.5 Design Requirements

Except for 5.2 General Requirements for All Buildings and 5.7 Alternative Methods of Compliance, design requirements shall be as follows:

A. Residential:

- a. Exterior materials shall be durable and residential in character. Exterior wall materials shall be wood siding, wood shingles, brick, stone, stucco, vinyl, or similar materials. 25% of a home's exterior surface area shall be covered by brick or stone; or incorporate a minimum of 3 architectural features on the front façade from the following list:
 - i. reverse gable, 2 or more roof panes, or a hip roof
 - ii. covered porch or veranda
 - iii. at least 2' of relief at one or more points along the front face (excludes garage bump outs)
 - iv. accent siding (ie cedar shakes, fiber-cement siding, half-rounds, etc.)
 - v. decorative trim detail
 - vi. decorative front door (ie sidelights, window panes, stained glass, etc.)
- b. Crawl space or raised slab; or if on slab shall have a minimum four course exposed brick masonry veneer skirt (of standard brick size), stone, or other similar materials extending up the face of the slab on all sides.

- c. At least 50% of the homes shall have recessed garages. 50% may be protruding garages or inline garages; however, the maximum protrusion shall be 4'. Garages with two or more bays shall be designed with two single doors (and have side entry if possible) or if using a single door must be decorative in nature. All single bay doors must be decorative.
- d. Roofs shall have a pitch between 4:12 and 12:12. Roof materials shall be asphalt shingles, standing seam metal, slate, or similar materials.
- e. Exterior house plans shall be dispersed throughout the neighborhood. The same house plan is not allowed on adjacent property. Right and left hand versions shall be considered the same exterior house plan.

B. Non-Residential:

- a. Exterior walls shall be brick, cast concrete, stone, marble, or other materials similar in appearance and durability. Vinyl siding and unpainted concrete block are prohibited.
- b. Decorative concrete block, Exterior Insulation Finishing Systems (EIFS), cementitious fiber board, wood clapboard, and other minority elements may be used as an accent material only (less than 25 percent of the façade).
- c. Foundation walls shall be finished with brick or stone.
- d. Facade colors shall be of low reflectance earth tone, muted, subtle, or neutral colors. Building trim may feature brighter colors. Neon, or similar gas tubing, is not allowed as an accent material. The use of high-intensity or metallic colors is not allowed except for accent purposes. Fluorescent, day glow, or neon colors shall be prohibited as a primary wall color. Variations in color schemes are encouraged in order to articulate entryways and public amenities so as to give greater recognition to these features.
- e. All accessory buildings shall be clad in materials similar in appearance to the principal structure.
- f. Pitched roofs should be clad in wood shingles, standing seam metal, slate, asphalt shingles or similar material.
- g. Roof pitches less than 3/12 and flat roofs will require a parapet wall.
- h. A pitched roof shall be profiled by eaves and gable overhangs a minimum of 12 inches from the building face.
- i. Flat roofs shall incorporate parapet walls with decorative cornices to conceal the flat portions of the roof and mechanical equipment that are visible on the front and side elevations from any public street.
- j. At least 40 percent of the length of the first floor on street fronting facades shall be in windows or doorways. Street level windows shall be visually permeable. Mirrorized glass is not permitted in any location. Faux or display casements are not permitted in lieu of exterior window treatments for the frontage elevation. A window shall be measured as follows:
 - Maximum Sill Height (first floor): 42 inches
 - Minimum Area: 16 square feet
 - Minimum Width: 3 feet

3.4.1.1 Planned Unit Development: Colonial Crossing (CZ-PUD-01)

All requirements of the Town's Ordinances shall be met in addition to the supplemental conditions listed below. The requirements listed below must also be recorded with the Register of Deeds of Iredell County and are perpetually binding, unless another rezoning request is brought to the Town and approved by the Town Board.

- A. Size: 200.14 acres
- B. Total Density Not to Exceed 1.83 units per acre
- C. Lot Dimensions, **Residential Principal Structures** (Interior)
 - a. Min. Lot Width: 60'. Average lot size for Pod 1: 60' x 110' (6,600 sf); average lot size for Pod 2: 70' x 120' (8,400 sf); average lot size for Pod 3: 80' x 120' (9,600 sf).
 - b. Minimum 9 lots of approximately 1 acre in size on north side of Pod 3.
 - c. Min. Front Yard Setbacks: 25' (20' setback for external lots with 25' rear buffer)
 - d. Min. Side Yard Setbacks: 5'
 - e. Min. Rear Yard Setbacks: 25'
 - f. Minimum Corner Setbacks: 10'
 - g. Max. Building Height: 40'
 - h. Lot Dimensions, Principal Structures (Exterior): Side and rear yard setbacks for the original RS district will at minimum remain the same against adjoining properties that are not inclusive of the subdivision.
- D. Lot Dimensions, **Non-Residential Principal Structures** (Interior)
 - a. Min. Lot Area: 1 acre
 - b. Corner Lot Setbacks: Min. Front/Street Side Yard Setbacks: 10'/10'
 - c. Min. Side Yard Setbacks: 10'
 - d. Min. Rear Yard Setbacks: 20'
 - e. Max. Building Height: 35'
 - f. Lot Dimensions, Principal Structures (Exterior): Side and rear yard setbacks for the original RS district will remain at minimum the same against adjoining properties that are not inclusive of the subdivision.
- E. Accessory Structures (Residential and Non-residential)
 - a. Min. Front Yard Setback: Accessory structures may not be located in the front yard.
 - b. Min. Corner Yard Setback: 50'
 - c. Min. Side Yard Setback: 5'
 - d. Min. Rear Yard Setback: 5'
 - e. Max Size: The total area of all accessory structures shall not exceed 25% of the parcel. A site plan shall be required for accessory structures 600 sq ft or greater.
 - f. Accessory buildings shall be clad in materials similar in appearance to the principal structure.

F. Open Space

- a. Min.: 60 acres of which a minimum of 15 acres shall be active open space.
 - i. One active use amenity shall be constructed in Phase 1. Actual timing of open space improvements shall be determined at the time of preliminary plat approval.
 - ii. Amenities as shown on the concept plan include two amenity centers each comprising meeting areas, bathrooms and pools, and preservation to the greatest extent possible of the historical Sherrill's Path.
- b. A 10' wide trail within a 20' easement shall be dedicated to the Town for use by the public in general conformance with the Town's Pedestrian Plan. To the greatest extent possible, the location of the easement shall be congruent with the historical Sherrill's Path. Maintenance and Ownership of the easement and trail shall be by the town.
 - i. Public parking for a minimum of four vehicles will be provided to allow visitors access to the trail. The location of the parking area will be determined by the time of preliminary plat approval.
- c. All open space other than the trail and easement described in F-b shall be owned and maintained by the home owners of Colonial Crossing.

G. Residential (number of units):

- a. Single Family: 330 – 366 units
- b. The units in Pod 1 will be restricted for persons 55 years of age and older.
 - i. The age-restricted area of development shall be located as shown on the Concept Plan.
- c. Duplexes: 0
- d. Single Family Attached: 0 – 36 units in age-restricted Pod 1

H. Non-Residential

- a. Minimum 3% (6.5 acres)
- b. Non-Residential Uses shall be limited to 10,000 sq ft per tenant.

I. Landscaping

- a. Prior to issuance of Certificate of Compliance by Town of Troutman, front yard shall be sodded.
- b. Minimum 25' buffer area will surround the perimeter of the project except abutting lots greater than 1 acre.
- c. Existing natural buffers shall be utilized in conformance with the Concept Plan dated October 13, 2013 and included by reference.
- d. Heritage Trees shall be protected to the greatest extent possible.
- e. Fencing
 - i. Fencing shall be constructed in conformance with the Concept Plan dated October 2013 and included by reference. This does not preclude constructing fences in additional areas.
 - ii. Fencing will be installed after the clearing phase and prior to the issuance of the first Certificate of Compliance for lots bordering the proposed fence locations.

- iii. Fencing within Common Open Space will be installed prior to the first Certificate of Compliance for the lots proposed on either side of the Common Open Space.

J. Permitted Uses

- a. Accessory Structures (gazebos, storage buildings)
- b. Daycare Centers
- c. Essential Services Class 1 & 2 (Transmission lines, natural gas, water/sewer lines, water tanks, utilities. No cell towers or sanitary landfills.)
- d. Farmer's Market
- e. Government Buildings
- f. Home Occupations (home based businesses)
- g. Museums
- h. Non-Profit Organizations
- i. Office Uses
- j. Parking of commercial vehicles on individual lots
- k. For lots with a width less than 80' a boat, trailer, RV, etc. storage area for use by community residents shall be constructed as shown on the concept plan. The size of the storage area shall be a minimum of 100 square feet per dwelling unit and enclosed with buffering and opaque screening. The area shall be paved or surfaced with materials to prevent erosion.
- l. Parking Lots
- m. Parks
- n. Recreational Facilities (public and private)
- o. Religious Uses
- p. Research Facilities
- q. Retail Uses
- r. Restaurants (may serve alcohol)
- s. Service Uses (beauty salons, dry cleaning, etc.; however auto services and tattoo parlors are not allowed)
- t. Schools (public, private, instructional)
- u. Shopping Centers
- v. Single Family Detached Homes
- w. Single Family Attached Homes (limited to Pod 1)
- x. Temporary Uses A-D (construction trailers/sales offices, emergency manufactured homes, school manufactured units)
- y. Temporary Uses E (seasonal sales, revivals, special events, mobile food vendors)
- z. Wineries
- aa. Yard sales

K. Residential Design Requirements:

- a. Exterior materials shall be durable and residential in character. Exterior wall materials shall be wood siding, wood shingles, brick, stone, stucco, fiber cement siding, or similar materials.
- b. Vinyl siding will not be allowed as a main siding material; however, vinyl soffit, vinyl windows, and other trim materials may be constructed of vinyl products.
- c. 25% of a home's exterior surface area shall be covered by brick or stone; or incorporate a minimum of 3 architectural features on the front façade from the following list:
 - i. reverse gable, 2 or more roof panes, or a hip roof
 - ii. covered porch or veranda
 - iii. at least 2' of relief at one or more points along the front face (excludes garage bump outs)
 - iv. accent siding (ie cedar shakes, fiber-cement siding, half-rounds, etc.)
 - v. decorative trim detail
 - vi. decorative front door (ie sidelights, window panes, stained glass, etc.)
- d. Crawl space or raised slab; or if on slab shall have a minimum four course exposed masonry skirt of brick, simulated brick, brick veneer, (of standard brick exterior dimensions), stone, or other similar materials extending up the face of the slab on all sides.
- e. At least 50% of the homes shall have recessed garages. 50% may be protruding garages or inline garages; however, the maximum protrusion shall be 4'. Garages with two or more bays shall be designed with two single doors (and have side entry if possible) or if using a single door must be decorative in nature. All single bay doors must be decorative.
- f. Roofs shall have a pitch between 4:12 and 12:12. Roof materials shall be asphalt shingles, standing seam metal, slate, tile, or similar materials.
- g. Front exterior building elevation (façade) shall be dispersed throughout the neighborhood. The same building elevation is not allowed on adjacent property. Right and left hand versions shall be considered the same front exterior building elevation.
- h. Accessory buildings shall be clad in materials similar in appearance to the principal structure.
- i. Underground wiring for street lights to be installed through lease agreement with local utility company. Lighting intensities will be controlled to assure that light spillage and glare are not directed at adjacent properties or the sky. The type of lighting fixtures, heights, and foot-candle illumination will be determined at the time of preliminary plat submittal and will be limited to fixtures available from the local utility company.

L. Non-Residential Design Requirements:

- k. Exterior walls shall be brick, cast concrete, stone, marble, or other materials similar in appearance and durability. Vinyl siding and unpainted concrete block are prohibited.
- l. Decorative concrete block, Exterior Insulation Finishing Systems (EIFS), cementitious fiber board, wood clapboard, and other minority elements may be used as an accent material only (less than 25 percent of the façade). Vinyl siding will not be allowed as a main siding material; however, vinyl soffit, vinyl windows, and other trim materials may be constructed of vinyl products.
- m. Foundation walls shall be finished with brick or stone.
- n. Facade colors shall be of low reflectance earth tone, muted, subtle, or neutral colors. Building trim may feature brighter colors. Neon, or similar gas tubing, is not allowed as an accent material. The use of high-intensity or metallic colors is not allowed except for accent purposes. Fluorescent, day glow, or neon colors shall be prohibited as a primary wall color. Variations in color schemes are encouraged in order to articulate entryways and public amenities so as to give greater recognition to these features.
- o. All accessory buildings shall be clad in materials similar in appearance to the principal structure.
- p. Pitched roofs should be clad in wood shingles, standing seam metal, slate, asphalt shingles or similar material.
- q. Roof pitches less than 3/12 and flat roofs will require a parapet wall.
- r. A pitched roof shall be profiled by eaves and gable overhangs a minimum of 12 inches from the building face.
- s. Flat roofs shall incorporate parapet walls with decorative cornices to conceal the flat portions of the roof and mechanical equipment that are visible on the front and side elevations from any public street.
- t. At least 40 percent of the length of the first floor on street fronting facades shall be in windows or doorways. Glass block may be included in the 40 percent. Street level windows shall be visually permeable. Mirrorized glass is not permitted in any location. Faux or display casements are not permitted in lieu of exterior window treatments for the frontage elevation. A window shall be measured as follows:
 - Maximum Sill Height (first floor): 42 inches
 - Minimum Area: 16 square feet
 - Minimum Width: 3 feet
 - Underground wiring for street lights to be installed through lease agreement with local utility company. Lighting intensities will be controlled to assure that light spillage and glare are not directed at adjacent properties or the sky. The type of lighting fixtures, heights, and foot-candle illumination will be determined at the time of preliminary plat submittal and will be limited to fixtures available from the local utility company.

M. Additional Site Specific Conditions:

- a. Prior to recordation of the first final plat timing of improvements (subphases, amenities, traffic improvements) shall be agreed upon through a development agreement or improvement plan.
- b. Trees will be cleared where required for grading of Pod 1, detention ponds, infrastructure development, and building lots. When practical and possible existing and Heritage trees will be used in the 25' buffer and in preserved/passive open space areas.
- c. Sidewalks shall be constructed at the time adjacent roads are constructed.
- d. A farmland disclosure statement shall be included on all plats in conformance with Town's existing UDO.
- e. Developer shall perform or guarantee by the time of final plat approval all off-site improvements needed to accommodate the development, including but not limited to water system, sewer system, and street system improvements.
- f. Traffic study and road improvement plan shall be complete prior to final plat approval.

3.4.2 Conservation Cluster (CC) Intent

The purpose of Conservation Cluster developments is to provide creative and innovative residential developments that minimize land disturbances and maximize the preservation and conservation of sensitive natural areas and open space by grouping dwellings in clusters.

- N. Cluster subdivisions shall be a minimum of 5 acres.
- O. The total density of the tract may not exceed the densities for the base zoning district established in table 3.3.3 (or zoning district compatible with the Land Use Plan). With the exception of lot dimensions as outlined below, conditions and standards shall be no less restrictive than the requirements for the base/compatible district.
- P. Minimum lot size, lot width, and/or setback requirements shall be determined through the Conditional Zoning process and must meet or exceed the following requirements;
 - a. Side and rear yard setbacks for the underlying district must remain the same against adjoining properties that are not inclusive of the subdivision. However, a 5' reduction in the rear yard setback is permitted against adjoining properties provided that opaque screening is installed along the rear boundary.
 - b. Each lot must be of sufficient size and dimension that it can support the structures to be located on it, consistent with all other applicable regulations of this ordinance including off-street parking, accessory structures, and utility easements.
 - c. Single family detached dwelling units shall have a minimum 10' separation.
- Q. The amount of open space shall be at least 40% of the total gross area of the proposed development and shall be apportioned as outlined below:
 - a. In addition to all subdivision application materials required, the applicant shall submit a site analysis map to ensure that important site features have been adequately identified and incorporated into the subdivision design; such as, property boundaries, water features, topography, mature forest stands, rock outcroppings, pastures, soil types, scenic views from public roadways, existing structures, and planned open space (nature preserve, trail connections, parks, etc.).
 - b. 50% of the required open space shall be set aside as a nature preserve and 5% (or 1 acre whichever is greater) of the required open space shall be active. For example: The subdivision is 100 acres; therefore, 40 acres would be required to be open space (20 acres nature preserve, 2 acres of active open space, and the remaining 18 acres could be either nature preserve, active open space, or combination thereof).
- R. Except for 5.2 General Requirements for All Buildings and 5.7 Alternative Methods of Compliance, design requirements shall be as follows:
 - a. Exterior materials shall be durable and residential in character. Exterior wall materials shall be wood siding, wood shingles, brick, stone, stucco, vinyl, or similar materials. 25% of a home's exterior surface area shall be covered by brick or stone; or incorporate a minimum of 3 architectural features on the front façade from the following list:
 - i. reverse gable, 2 or more roof panes, or a hip roof
 - ii. covered porch or veranda
 - iii. at least 2' of relief at one or more points along the front face (excludes garage bump outs)
 - iv. accent siding (ie cedar shakes, fiber-cement siding, half-rounds, etc.)
 - v. decorative trim detail

- vi. decorative front door (ie sidelights, window panes, stained glass, etc.)
- b. Crawl space or raised slab; or if on slab shall have a minimum four course exposed brick masonry veneer skirt (of standard brick size), stone, or other similar materials extending up the face of the slab on all sides.
- c. At least 50% of the homes shall have recessed garages. 50% may be protruding garages or inline garages; however, the maximum protrusion shall be 4'. Garages with two or more bays shall be designed with two single doors (and have side entry if possible) or if using a single door must be decorative in nature. All single bay doors must be decorative.
- d. Roofs shall have a pitch between 4:12 and 12:12. Roof materials shall be asphalt shingles, standing seam metal, slate, or similar materials.
- e. Exterior house plans shall be dispersed throughout the neighborhood. The same house plan is not allowed on adjacent property. Right and left hand versions shall be considered the same exterior house plan.

3.4.2.1 Conservation Cluster (CC): Falls Cove at Streamwood, Phase 2 (RS-CZ-CC-01)

All requirements of the Town's Ordinances shall be met in addition to the supplemental conditions listed below. The requirements listed below must also be recorded with the Register of Deeds of Iredell County and are perpetually binding, unless another rezoning request is brought to the Town and approved by the Town Board.

S. Size: 370 acres

T. Total Density Not to Exceed: 1.9 units per acre

U. Lot Dimensions (Interior)

- a. Min. Lot Width: 60' at the building line
- b. Min. Front Yard Setback: 20'
- c. Min. Corner Yard Setback: 10'
- d. Min. Side Yard Setback:

<u>Lot Width</u>	<u>Setback</u>
60' – 69'	6'
70' – 79'	7'
80' – 89'	8'
90'+	10'

- e. Min. Rear Yard Setback: 30'

V. Lot Dimensions (Exterior): Side and rear yard setbacks for the underlying district will remain the same against adjoining properties that are not inclusive of the subdivision unless a minimum twenty-five (25) feet wide buffer is provided. If lots for the underlying district adjoin the rear of adjoining properties, the rear yard setbacks will match unless above stated buffer is provided. If lots for the underlying district adjoin the side of adjoining properties, the side yard setbacks will match unless buffer is provided.

W. Accessory Structures:

- a. Min. Front Yard Setback: No accessory structures shall be located in the front yard.
- b. Min. Corner Yard Setback: 5'
- c. Min. Side Yard Setback 5'

- d. Min. Rear Yard Setback: 10'
- d. Max. Size: The total area of all accessory structures shall not exceed 25% of the parcel. A site plan shall be required for accessory structures 600 sq ft or greater.

X. Open Space

- a. Min. Nature Preserve/Passive: 35 % (to include a 50' green belt surrounding entire tract and nature preserves that may include natural walking trails and BMPs).
- b. Min. Planned Open Space/Active: 5% (as shown on concept plan)
- c. Maintenance and Ownership: A Home Owners or Property Owners Association will be setup to own and maintain the open space in perpetuity.
- d. Owners within Phase 1 (Streamwood) and Phase 6 (Parkwood) will have access to the future amenity center located in the future phases of Falls Cove.

Y. Design Requirements

- a. Minimum House Size: minimum 1,700 Square Foot for all one story (ranch) house plans and 2,000 Square Foot for all two story house plans.
- b. Exterior materials shall be durable and residential in character. Exterior wall materials shall be wood siding, wood shingles, brick, stone, stucco, fiber-cement/cementitious siding, or similar materials. Vinyl siding will not be allowed as a main siding material however, vinyl soffit, vinyl windows and other trim materials may be constructed of vinyl products. In addition, aluminum exterior trim may be used. 25% of a home's exterior surface area shall be covered by brick and/or stone; or incorporate a minimum of 3 architectural features on the front façade from the following list:
 - i. reverse gable, 2 or more roof planes, or a hip roof
 - ii. covered porch or veranda
 - iii. at least 2 feet of relief at one or more points along the front face (excludes garage bump outs)
 - iv. accent siding (ie cedar shakes, fiber-cement siding, half-rounds, etc.)
 - v. decorative trim detail
 - vi. decorative front door (ie sidelights, window panes, stained glass, etc.)
- c. Crawl space or raised slab; or if on slab shall have a minimum four course exposed brick masonry veneer skirt (of standard brick size), stone, parging, or other similar materials extending up the face of the slab on all sides.
- d. Front-loading garages shall not protrude more than 4 feet from the front façade of the house. Garages with two or more bays shall be designed with two single doors (and have side entry if possible) or if using a single door must be decorative in nature. All single bay doors must be decorative. Main roofs shall have a pitch between 7:12 and 12:12. Roof materials shall be 25-year minimum architectural/dimensional asphalt shingles, standing seam metal, slate, or similar materials. Side and corner loaded garages may extend to the setback line.
- e. Front building elevations shall be dispersed throughout the neighborhood. The same front building elevation is not allowed on adjacent property. Right and left hand versions shall be considered the same exterior building elevation.
- f. Accessory structures shall be similar in appearance and color to the principal structure.
- g. Underground wiring for street lights to be installed with lease agreement with local utility company.

Z. Landscaping:

- a. Each home must have a minimum of a 3' landscaped area along the front perimeter of each home containing a minimum of 10 plantings (6 such plantings shall be evergreen or perennial shrubs) at the time a Certificate of Compliance is issued from the Town of Troutman. The Town shall have no further responsibility for enforcement of this landscaping provision.
- b. Each home must have at least 1 deciduous tree in addition to required street trees.

AA. Permitted Uses:

- a. Single Family Residential (Detached)
- b. Accessory Structures (Residential)
- c. Home Occupations
- d. Essential Services (ie systems for the distribution of gas, electricity, water, sewer, etc.)
- e. Parks
- f. Parking of Commercial and Recreational Vehicles on Individual Lots
- g. Recreational Facilities/Swimming Pools
- h. Temporary Uses (ie construction trailers)
- i. Yard Sales

BB. Additional Site Specific Conditions:

- a. Prior to recordation of the first Final Plat, a Traffic Impact Analysis (TIA) shall be completed and approved by NCDOT. The timing of any required traffic improvements shall be determined by the TIA as approved by NCDOT.
- b. Trees will be cleared only where required for detention ponds, infrastructure development, and building lots. When practical and possible existing trees will be used in the 50' buffer around the entirety of Phase 2 and in the preserved/passive open space areas.
- c. At the time of preliminary plat submittal the developer shall present plan for timing of amenity center.



3.4.2.2 Sutter's Mill (RT-CZ-CC-02)

All requirements of the Town's Ordinances shall be met in addition to the supplemental conditions listed below. The requirements listed below must also be recorded with the Register of Deeds of Iredell County and are perpetually binding, unless another rezoning request is brought to the Town and approved by the Town Board.

CC.Size: 105.82 Acres

DD. Total Density Not to Exceed: 255 single family homes

EE.Lot Dimensions (Interior)

- a. Min. Lot Width: 51'
- b. Min. Front Yard Setback: 25' (20' for porches)
- c. Min. Corner Yard Setback: 12'
- d. Min. Side Yard Setback: 5'
- e. Min. Rear Yard Setback: 20'

FF.Lot Dimensions (Exterior): Side and rear yard setbacks for the underlying district will remain the same against adjoining properties that are not inclusive of the subdivision unless a minimum twenty-five (25) feet wide buffer is provided. If lots for the underlying district adjoin the rear of adjoining properties, the rear yard setbacks will match unless above stated buffer is provided. If lots for the underlying district adjoin the side of adjoining properties, the side yard setbacks will match unless buffer is provided.

GG. Accessory Structures:

- a. Min. Front Yard Setback: Not allowed.
- b. Min. Corner Yard Setback: 10'
- c. Min. Side Yard Setback: 5'
- d. Min. Rear Yard Setback: 5'
- c. Max. Size: The total area of all accessory structures shall not exceed 25% of the parcel. A site plan shall be required for accessory structures 600 sq ft or greater.

HH. Common Open Space (COS)

Minimum COS Required: 40% (42.33 Acres)

Common Open Space Provided: 46.31% (49 Acres)

- a. Min. Nature Preserve/Passive: 50% of Required COS (21.17 Acres)
- b. Trail along Weather's Creek shall be dedicated to the Town for use by the public.
- c. Maximum Passive Open Space utilized for BMP's 10% (2.11 Acres)
- d. Min. Planned Open Space/Active: 5.3 Acres (Including community gardens, fitness trails, walking trails & community playground)

II. Design Requirements

- a. Housing Types
 - i. Single story homes shall be a minimum of 1,600 sf
 - ii. Two Story homes shall be a minimum of 2,000 sf

- iii. All homes shall by design include 2 car attached garages.
- iv. All homes shall have driveways providing off-street parking for 2 vehicles.
- b. Exterior materials shall be durable and residential in character. Exterior wall materials shall be wood siding, wood shingles, brick, stone, stucco, fiber-cement/cementitious siding, vinyl siding, or similar materials. 25% of a home's exterior surface area shall be covered by brick and/or stone; or incorporate a minimum of 3 architectural features on the front façade from the following list:
 - i. reverse gable, 2 or more roof planes, or a hip roof
 - ii. covered porch or veranda
 - iii. at least 2 feet of relief at one or more points along the front face (excludes garage bump outs)
 - iv. accent siding (ie cedar shakes, fiber-cement siding, half-rounds, etc.)
 - v. decorative trim detail
 - vi. decorative front door (ie sidelights, window panes, stained glass, etc.)
- c. Crawl space or raised slab; or if on slab shall have a minimum 16" skirt (of standard brick size), stone, parging, or other similar materials extending up the face of the slab on all sides.
- d. At least 50% of the homes shall have recessed garages. 50% may be protruding garages or inline garages; however, the maximum protrusion shall be 4'. Garages with two or more bays shall be designed with two single doors (and have side entry if possible) or if using a single door must be decorative in nature. All single bay doors must be decorative.
- e. Roofs shall have a pitch between 4:12 and 12:12. Roof materials shall be asphalt shingles, standing seam metal, slate, or similar materials.
- f. Exterior house plans shall be dispersed throughout the neighborhood. The same house plan is not allowed on adjacent property. Right and left hand versions shall be considered the same exterior house plan.

JJ. Landscaping & Buffering:

- a. Landscaping
 - i. Common Areas to be landscaped with 2.5" caliper street trees spaced 40' on center.
 - ii. Each home to be landscaped with:
 - 1. 1 street tree 2.5" caliper or larger.
 - 2. Corner lots to have a 2nd side yard street tree 2.5" caliper or larger.
 - 3. 1 ornamental tree
 - 4. 10 shrubs planted along the front foundation
 - 5. Lots adjacent to Westmorland Rd. and Houston Rd. shall provide (2) additional shade trees 2.5" caliper or larger.
 - 6. Individual lot landscaping shall be reviewed by the Town prior to releasing a Certificate of Compliance for each home. The Town shall have no further responsibility for enforcement of this landscaping provision.

- b. **Buffer:** Minimum 25' wide buffer around entirety of property (as shown on concept map). Trees along Westmoreland Rd will be saved for buffering when practical and reasonable.
- c. **Fences.** No fencing shall be installed on any Lot without the prior review and approval of the HOA Architectural Control Committee. The Committee shall have approval on all aspects of any proposed fencing, including but not limited to size, location, height and composition. Fencing guidelines are as follows:
 - i. General Guidelines: The following guidelines are applicable to all Lots within the Development:
 - 1. **Approvals.** Any fencing shall be subject to the prior approval of the HOA Architectural Control Committee.
 - 2. **Fencing Types and Materials.** All fencing shall be constructed of white vinyl, white picket style (3' to 4' in height vinyl or painted wood), black wrought iron style materials, or wood fencing. For purposes of the Declaration, the terms "picket style" shall mean a 3' to 4' in height vinyl or painted wood fence where there exists between 2" and 3" of space between the vertical slats of such fence. Wood fencing is permitted in most locations; however, the ACC Committee reserves the right to approve certain fence types on perimeter and highly visible lots within the community (See section (d) (ii) below). Chain link and barbed wire fencing is prohibited.
 - 3. **Fencing Colors.** Fencing shall be white, off-white, neutral, or earth toned colors. All wooden fencing must be waterproof, stained and/or painted. Wrought iron must be black. Such stain or paint must be uniform for an entire fence and maintained in good condition.
 - 4. **Fencing Height.** Fencing shall not exceed six (6) feet in height; provided that a decorative cap or top (lattice work or other approved decorative detail) may be installed thereon so long as the aggregate height of the entire structure shall not exceed seven (7) feet.
 - 5. **Use of Professional Installer.** A professional fencing contractor must be hired by the Owner, at such Owner's cost, to install approved fencing for such Owner.
 - 6. **Declarant Installed Fencing.** No fencing shall connect to or otherwise interfere with any fencing originally installed by the Declarant. Any fencing installed by Declarant shall not be subject to these standards.
 - 7. **Landscape Easements.** Except as installed by Declarant or the Association, no improvements or permanent structures, including without limitation, fences, shall be erected or maintained in or upon Landscape Easements.
 - 8. **Fencing within Easements:** Fencing which is installed within any easement affecting a Lot shall be subject to the risk of removal without notice by the Association or any other entity or entities which have access rights, if any work or repairs are to be done within the easement area(s). The Owner of such Lot shall be responsible for any and all

costs relating to the removal of such fencing and for the subsequent replacement of any approved replacement fencing.

In addition, fencing must not impede surface drainage and must be installed to be a minimum of three (3) inches off the ground (fence posts must not obstruct any drainage, i.e. rear swale)

- ii. Location of Fencing on Conventional Lots: In addition to the guidelines under other subsections herein, the following guidelines are applicable to all Lots within the Development:
 - 1. Fencing shall not extend forward beyond a point, which is ten (10) feet behind the front corner of the residence; and
 - 2. Fencing on any corner Lot shall be at least five (5) feet from the sidewalk.

- iii. Additional Fencing Guidelines. Fencing for Lots along highly visible locations (such locations and shall be subject to the following additional restrictions:

- 1. **Westmorland Rd and Houston Rd frontage Lots:** The developer shall install a 4 board equestrian style fence along the rear lot line of lots: 1-10, 199-121 and 117 –137. Homeowner's on these lots shall be permitted to connect side yard fences to the developer installed fence.

Homeowner's shall not be permitted to install fencing parallel to the rear property line.

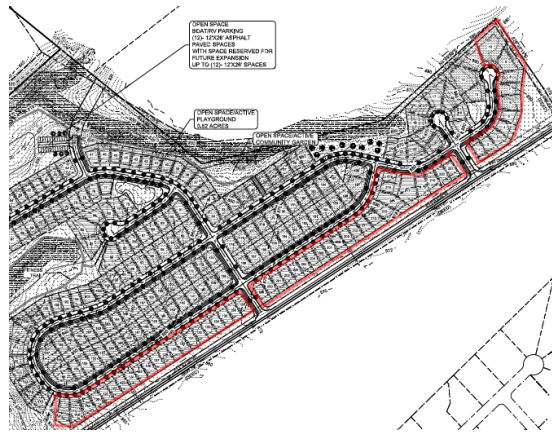


- 2. **Stream Lots:** Lots which are adjacent to or which abut a stream or detention pond are subject to the following restrictions:
 - a. Fencing shall not exceed four (4) feet in height; provided that in the discretion of the Committee, the portion of such fence closest to the rear side of the residence may be the five (5) feet in height, and have a decorative cap (not to exceed six (6) feet aggregate); provided further that such higher section shall not extend more than ten (10) feet from the rear corner(s) of the residence, subject to (B), below. In exercising its discretion under this provision, the Committee shall take into account the affect such proposed fence would have on the use and enjoyment of the lake or pond areas by other Owners.
 - b. Fencing shall not be constructed within twenty-five (25) feet of the shoreline of any Lake or detention pond.

3. **Perimeter Lots and Highly Visible Lots:** With respect to a Lot where either (A) the rear yards are highly visible from public streets (within the neighborhood or surrounding the neighborhood), or (B) the Lot abuts a Common Area, the Committee may require fencing for such Lot to be consistent in material, height, and style to that of previously approved fencing for any other Lot which is on and along such street or Common Area. Such restrictions shall be disclosed to buyers in the Common Interest and Community Information Disclosure.
4. **Dog Runs and Similar Enclosures.** No enclosures, structures or “runs” which are designed primarily for the outside keeping of pets or other animals and which are made in whole or part from chain link fencing material, including but not limited to dog runs, kennels, or other similar enclosures, shall be permitted; provided, however, the Committee shall have the discretion to approve such an enclosure or structure if such is surrounded by a fence which is consistent with the foregoing restrictions and minimizes the visibility of such structure by adjoining property owners.

KK. Permitted Uses:

- a. Single Family Residential (Detached)
- b. Home Occupations
- c. Essential Services (ie systems for the distribution of gas, electricity, water, sewer, etc.)
- d. Parks
- e. Parking of Recreational and Commercial Vehicles on Individual Lots
 - i. Lots backing up to Westmorland Rd. and Houston Rd. shall be restricted from parking recreational vehicles on the lot. This restriction applies to lots 1-10, 199-121 and 117 – 137 totaling 54 lots.
 - ii. The off-site parking area will provide a paved area of 76'x 72' = 5472 sf of area (12 spaces) meeting the requirement provided in the UDO.
 - iii. Interior lots shall not have the parking restriction.
 - iv. Commercial vehicles parked on an overnight basis shall be limited to cars, vans, and pick-up trucks.
 - v. The developer may provide at his discretion additional 76'x 72' = 5472 sf of area (12 spaces) of RV parking although not required by the UDO.



- vi. The entire Storage area shall be completely enclosed with Type A Landscaping (buffer with opaque screen).
- vii. The developer will construct the street from the intersection past the storage area to the path. Right of Way will be dedicated to our property line as shown for future connection by adjoining land owner's
- viii. The entire storage area will be constructed with same stone & asphalt cross section as the streets within the community. There will be curb at the radii turning into the private drive for the storage area.
- f. Recreational Facilities/Swimming Pools
- g. Temporary Uses (ie construction trailers)
- h. Yard Sales

LL. Additional Site Specific Conditions:

- a. Underground wiring provided to serve the development including street lighting.
- b. All homes shall be served by municipal water and sewer.
- c. No wells shall be utilized for irrigation or other purposes.
- d. Westmorland Road will be widened and paved in along the project's frontage. Design will be in accordance with NCDOT requirements and subsequently, permitted by NCDOT.
- e. The applicant agrees to honor prior agreements made in writing between the prior land owner Sutter's Mill LLC and the adjoining property owner Mr. Darrin Lee Witherspoon.
- f. The applicant shall provide Covenants, Conditions, and Restrictions (CCRs) to the Town prior to recordation of the final plat to ensure consistency with commitments and approvals.
- g. Maintenance and ownership of trail along Weather's Creek shall be by the Town. Maintenance and ownership of all other trails shall be determined at time of preliminary plat. Homeowner's Association shall own and maintain all other common open space areas; including but not limited to, active/preserved open space, boat/recreational vehicle storage, and community fencing along Westmoreland Rd and Houston Rd lots.

CHAPTER 3: ZONING DISTRICTS

Section 3.5 Watershed Overlay District**3.5.1 Authority, Enactment, & Jurisdiction**

The Legislature of the State of North Carolina has, in Chapter 160A, Article 19, Section 381, General Ordinance Authority; and in Chapter 143, Article 21, Watershed Protection Rules, delegated the responsibility or directed local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. The Town Board of Troutman does hereby ordain and enact into law the text contained in Section 3.5, Section 4.24, Chapter 16, and Appendix A to satisfy said statutory requirements.

The provisions of this Section shall only apply within the areas designated as Water Supply Watersheds by the North Carolina Department of Environment and Natural Resources (NC DENR) Division of Water Quality and shall be depicted on the Town of Troutman's Official Zoning Map. Where there is a conflict between the regulations contained this section and any other portion of this Zoning Ordinance, the provisions of this section shall apply to properties located within a designated Water Supply Watershed area. The provisions of this section took effect on October 1, 1993 as adopted by the Town of Troutman on September 16, 1993.

The Town Board of Aldermen, unless otherwise designated in this Ordinance, shall serve as the Watershed Review Board for the purpose of performing the duties assigned to that board, as defined in this Section.

3.5.2 Rules Governing the Interpretation of Watershed District Boundaries

Where uncertainty exists as to the boundaries of the watershed areas, as shown on the Official Zoning Map, the following rules shall apply:

- A. Where watershed district boundaries are indicated as approximately following either street, alley, railroad or highway lines or centerlines thereof, such lines shall be construed to be the watershed district boundaries.
- B. Where watershed district boundaries are indicated as approximately following lot lines, such lot lines shall be construed to be the watershed district boundary.
- C. Where the watershed district boundary lies at a scaled distance of more than twenty-five (25) feet from an adjoining lot line, the location of the watershed district boundary shall be determined by use of the scale appearing on the zoning map.
- D. Where the watershed district boundary lies at a scaled distance of less than twenty-five (25) feet from an adjoining lot line, the lot line boundary may be used as the watershed district boundary.
- E. Where other uncertainty exists, the Zoning Administrator shall interpret the Watershed Map as to location of such boundaries. This decision may be appealed to the Board of Adjustment.

3.5.3 Exceptions to Applicability

- A. Nothing contained herein shall repeal, modify, or amend any Federal or State law or regulation, or any ordinance or regulation pertaining thereto except any ordinance which these regulations specifically replace; nor restrict any provisions of the Code of Ordinances of the Town of Troutman; however, the adoption of this Ordinance shall and does amend any and all ordinances, resolutions, and regulations in effect within the planning jurisdiction of the Town of Troutman (as depicted in the Town's Official Zoning Map) at the time of the adoption of this Ordinance that may be construed to impair or reduce the effectiveness of this Ordinance or to conflict with any of its provisions.
- B. It is not intended that these regulations interfere with any easement, covenant or other agreements between parties. However, if the provisions of these regulations impose greater restrictions or higher standards for the use of a building or land, then the provisions of these regulations shall control.
- C. Existing development, as defined in this Ordinance, is not subject to the requirements of this Ordinance. Expansions to structures classified as existing development on any lot other than a lot containing a single-family residence as the principal use must meet the requirements of this Ordinance; however, the built-upon area of existing development is not required to be included in the built – upon area calculations.

3.5.4 Establishment of Watershed Areas

The purpose of this Section is to list and describe the various water supply watershed overlay districts herein created. The following overlay districts shall be in place and are depicted on the Town of Troutman's Official Zoning Map:

- 1. WS-IV-CA (Critical Area) Watershed Overlay District
- 2. WS-IV-PA (Protected Area) Watershed Overlay District

These Overlay Districts are established to provide for certain additional requirements and/or uses for properties located in one or more general zoning districts. Thus, in addition to the requirements of the underlying general zoning district, the provisions of the Overlay District would also prevail in the areas so zoned.

A. WS-IV-CA Critical Area Zoning Overlay District

Only new development activities that require an erosion/sedimentation control plan under the Iredell County Land Development Code are required to meet the provisions of these regulations when located in the WS-IV-CA Zoning District watershed. In order to address a moderate land use intensity pattern, single family residential uses are allowed at a maximum of two (2) dwelling units per acre. All other residential and non-residential development shall be allowed with a maximum built-upon ratio of twenty-four percent (24%) on a project-by-project basis. New sludge application sites and landfills are specifically prohibited.

High density development is permitted in this district if consistent with Section 3.5.9.

1. Allowed Uses (if permitted in the underlying zoning district):

- a. Agriculture subject to the provisions of the Food Security Act of 1985 and the Food, Agriculture, Conservation and Trade Act of 1990. Agricultural activities conducted after January 1, 1993 shall maintain a minimum ten (10) foot vegetative buffer, or equivalent control as determined by the Soil and Water Conservation Commission, along all perennial waters indicated on the most recent versions of U.S.G.S. 1:24,000 (7.5 minute) scale topographic maps. Animal operations with greater than 100 animal units shall employ Best Management Practices by July 1, 1994 as recommended by the Soil and Water Conservation Commission. (NOTE: THE SOIL AND WATER CONSERVATION COMMISSION IS THE DESIGNATED MANAGEMENT AGENCY RESPONSIBLE FOR IMPLEMENTING THE PROVISIONS OF THIS RELATING TO AGRICULTURAL ACTIVITIES).
- b. Silviculture, subject to the provisions of the Forest Practices Guidelines Related to Water Quality (15 NCAC 11.6101-.0209).
- c. Residential Uses (Single-family, manufactured homes, manufactured home parks, two-family, multi-family and cluster developments).
- d. Non-residential development (i.e. commercial, institutional, or industrial development) excluding: (i) the storage of toxic and hazardous materials unless a spill containment plan is implemented; (ii) landfills; and (iii) sites for land application of sludge/residuals or petroleum contaminated soils.

2. Density and Maximum Built-upon Limits:

a. Single Family Residential Uses

Development shall not exceed a maximum of two (2) dwelling units per acre on a project by project basis. No such residential lot shall be less than one-half (1/2) acre, except within an approved cluster development.

b. All Other Residential and Non-Residential Uses

Development shall not exceed twenty-four percent (24%) built-upon area on a project by project basis. For the purpose of calculating the built-upon area, total project area shall include total acreage in the tract on which the project is to be developed.

B. WS-IV-PA Protected Area Zoning Overlay District

Only new development activities that require an erosion/sedimentation control plan under the Iredell County Land Development Code are required to meet the provisions of this ordinance when located in a WS-IV-PA Zoning District. In order to address a moderate land use intensity pattern, single family residential uses shall develop at a maximum of

two (2) dwelling units per acre in areas where curb and gutter are used, or three (3) dwelling units per acre in areas where curb and gutter are not required and not used. All other residential and non-residential development shall be allowed at a maximum of twenty-four percent (24%) built-upon area where curb and gutter are used, or at a maximum of thirty-six percent (36%) built-upon area in locations where curb and gutter are not required and not used.

High density development is permitted in this district if consistent with Section 3.5.9.

1. Allowed Uses (if permitted in the underlying zoning district):

- a. Agriculture subject to the provisions of the Food Security Act of 1985 and the Food, Agriculture, Conservation and Trade Act of 1990.
- b. Silviculture, subject to the provisions of the Forest Practices Guidelines Related to Water Quality (15 NCAC 11.6101-.0209).
- c. Residential Uses (Single-family, two-family, manufactured homes, manufactured home parks, multi-family, and cluster developments).
- d. Non-residential development (i.e., commercial, institutional, or industrial development) excluding the storage of toxic and hazardous materials unless a spill containment plan is implemented.

2. Density and Maximum Built-upon Limits:

a. Single Family Residential Uses

Development shall not exceed two dwelling units per acre on a project-by-project basis. No residential lot shall be less than one-half (1/2) acre, except within an approved cluster development in accordance with Section 4.24.

b. All Other Residential and Non-Residential Uses

Development shall not exceed a maximum of twenty-four percent (24%) built-upon area in areas where curb and gutter are used, or at a maximum of thirty-six percent (36%) built-upon area in locations where curb and gutter are not used, on a project by project basis. For projects without curb and gutter, development shall not exceed thirty-six percent (36%) built-upon area on a project by project basis. For the purpose of calculating built-upon area, total project area shall include acreage in the tract on which the project is to be developed.

3.5.5 Buffer Areas Required

- A. A minimum one hundred (100) foot vegetative buffer is required for all new development activities that exceed the low density option; otherwise, a minimum fifty (50) foot vegetative buffer for development activities is required along all perennial waters indicated on the most

recent versions of U.S.G.S. 1:24,000 (7.5 minute) scale topographic maps or as determined by local government studies.

Desirable artificial streambank or shoreline stabilization is permitted.

- B. No new development is allowed in the vegetative buffer area except for water-borne structures (e.g., piers, docks, etc.) and public projects such as road crossings, sewer lines, and greenways, where no practical alternative exists. These activities should minimize built-upon surface area, direct runoff away from the surface waters and maximize the utilization of stormwater Best Management Practices.

3.5.6 Nonconforming Situations

Nonconforming situations which existed on or after the effective date of these regulations shall comply with this Ordinance, with the following exceptions:

A. Nonconforming Lots

- 1. A nonconforming lot of record which existed on the effective date of these regulations which is used for single-family purposes shall not be subject to the rules and regulations pertaining to the WS district in which it is located, except as provided below.
- 2. Whenever two or more adjoining lots of record, one of which contains a principal residential use and the other(s) being undeveloped (i.e., not containing a principal use), and such lots are in single ownership at any time on or after the effective date of these regulations, and such lots individually or jointly have less area than the minimum requirements for residential uses in the WS district in which it is located, such lots shall be combined to create lots which meet the minimum requirements of that WS district or minimize the degree of nonconformity.

B. Nonconforming Structures or Uses of Land

- 1. If, on or after the effective date of these regulations, a lot contained one or more structures or uses of land, where aggregate built-upon area calculations exceeded the maximum allowed for the particular WS district in which said lot is located, and such structure is destroyed (i.e., received damage in excess of sixty (60) percent of its assessed value at the time of destruction), reconstruction of said structures or uses may occur provided that under no circumstances may the amount of space devoted to built-upon area exceed that which the previous development provided. Approval of any such structure(s) shall be subject to the issuance of a permit by the Zoning Administrator.
- 2. Unless otherwise specified by the permit issued by the Zoning Administrator, an application for a zoning permit authorizing the repair or replacement of said structures must be submitted to and approved by the Town of Troutman no later than one-hundred and eighty (180) days after the damage occurred. Further information on rebuilding

destroyed nonconforming structures can be found in Chapter 12.

3.5.7 Public Health Regulations

No activity, situation, structure or land use shall be allowed within a WS district which poses a threat to water quality and the public health, safety and welfare. Such conditions may arise from inadequate on-site sewage systems which utilize ground absorption; inadequate sedimentation and erosion control measures; the improper storage or disposal of junk, trash or other refuse within a buffer area; the absence or improper implementation of a spill containment plan for toxic and hazardous materials; the improper management of stormwater runoff; or any other situation found to pose a threat to water quality.

The Zoning Administrator shall monitor land use activities within all WS districts to identify situations that may pose a threat to water quality. The Zoning Administrator shall report all findings to the proper agency to handle the threat, and/or the Town Board. The Zoning Administrator may consult with any public agency or official and request recommendations. Where the Town Board finds a threat to water quality and the public health, safety and welfare, the Board shall institute any appropriate action or proceeding to restrain, correct or abate the condition and/or violation as herein authorized.

3.5.8 Amendments to Regulations Pertaining to a WS District

Under no circumstances shall the Town Board adopt any amendment, addition, or deletion that would cause these regulations to violate the watershed protection rules as adopted by the N.C. Environmental Management Commission. Any amendment to the boundaries of any particular Water Supply Watershed District shall be referred to NC DENR Division of Water Quality for its review prior to adoption. Otherwise, amendments to the regulations contained in this Section shall follow procedures prescribed in Chapter 13 of this Ordinance.

3.5.9 High Density Development Standards

A. The Watershed Review Board may approve high density development proposals consistent with the following standards:

1. WS-IV Watershed Areas- Critical Area (WS-IV-CA). Where new development requires a Sedimentation/Erosion Control Plan and exceeds either 2 dwelling units per acre or 24% built-upon area, engineered stormwater controls shall be used to control runoff from the first inch of rainfall and development shall not exceed 50% built-upon area.

2. WS-IV Watershed Areas- Protected Area (WS-IV-PA). Where new development requires a Sedimentation/Erosion Control Plan and exceeds either 2 dwelling units per acre or 24% built-upon area or 3 dwelling units per acre or 36% built-upon area for projects without curb and gutter, engineered stormwater controls shall be used to control runoff from the first inch of rainfall and development shall not exceed 70% built-upon area.

B. High density development shall meet the requirements of this Ordinance.

3.5.10 High Density Development Permit Application

A. A High Density Development Permit shall be required for new development exceeding the requirements of the low density option.

B. Application for a High Density Development Permit shall be addressed and submitted to the Watershed Review Board through the Zoning Administrator. Application for a High Density Development Permit shall be made on the proper form and shall include the following information:

1. A completed High Density Development Permit Application signed by the owner of the property. The signature of the consulting engineer or other agent will be accepted on the application only if accompanied by a letter of authorization;
2. Two reproducible copies of the development plan within the drainage basin including the applicable information listed in Chapter 10 and detailed information concerning built-upon area;
3. Two reproducible copies of the plans and specifications of the stormwater control structure(s) consistent with Chapter 8 and Appendix B;
4. When required by law, written verification that a soil erosion and sedimentation control plan has been approved by the appropriate state or local agency;
5. Permit Application Fees as applicable.

C. Prior to taking final action on any application, the Board or the Zoning Administrator may provide an opportunity to public agencies affected by the development proposal to review and make recommendations on the application. However, failure of the agencies to submit their comments and recommendations shall not delay the Board's action within prescribed time limit.

D. The Watershed Review Board shall either approve or disapprove each application for a High Density Development Permit based on the applicable criteria contained in this Ordinance. If the Board approves the application based on its findings, such approval shall be indicated on the permit and both copies of the site plan and both copies of the plans and specifications of the stormwater control structure. A High Density Development Permit shall be issued after the applicant posts a performance bond or other acceptable security as required in Section 3.5.12(B)(1) and executes an Operation and Maintenance Agreement as required in Section 3.5.12(C). A copy of the permit and one copy of each set of plans shall be kept on file at the Zoning Administrator's office.

E. The Watershed Review Board shall issue a High Density Development Permit upon finding that the proposal is consistent with the applicable standards set forth in the Watershed Ordinance and the following conditions are met:

1. The use will not endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved;
2. The use minimizes impacts to water quality through the use of best management practices, cluster development, and/or maximum setbacks from perennial waters;
3. The use is consistent with the officially adopted land use plan for the Town of Troutman.

If the Watershed Review Board finds that any one of the above conditions is not met, the Board shall deny the application.

F. In addition to any other requirements provided by this Ordinance, the Board may designate additional permit conditions and requirements to assure that the use will be harmonious with the area in which it is proposed to be located and with the spirit of this Ordinance. All additional conditions shall be entered in the minutes of the meeting at which the permit is granted, on all plans and on the permit certificate. All conditions so imposed shall run with the land and shall be binding upon the applicant and the applicant's heir, successors, or assigns during the continuation of the permitted use.

Section 3.5.11 Stormwater Control Structures

A. All stormwater control structures shall be designed by a North Carolina registered professional with qualifications appropriate for the type of system required; these registered professionals are defined as professional engineers, landscape architects to the extent that the General Statutes Chapter 89A allows, and land surveyors to the extent that the design represents incidental drainage within a subdivision, as provided in General Statutes Chapter 89 (C)-3(7).

B. Stormwater control structures shall be constructed to the standards contained in Chapter 8.

C. A description of the area containing the stormwater control structure shall be prepared and filed in conformance with Section 3.5.15(A and B), as a separate deed with the Iredell County Register of Deeds along with any easements necessary for general access to the stormwater control structure. The deeded area shall include the stormwater control structure(s), vegetative filters, all pipes and water control structures, berms, dikes, etc., and sufficient area to perform inspections, maintenance, repairs, and reconstruction.

D. Qualifying areas of the stormwater control structure may be considered pervious when computing total built-upon area. However, if the structure is used to compute the percentage built-upon area for one site, it shall not be used to compute built-upon area for any other site or area.

Section 3.5.12 Posting of Financial Security Required

A. All new stormwater control structures shall be conditioned on the posting of adequate

financial assurance for the purpose of maintenance, repairs, or reconstruction necessary for adequate performance of the stormwater control structures.

B. Financial assurance shall be in the form of the following:

(1) Security Performance Bond or other security. The permit applicant shall obtain either a performance bond from a surety bonding company authorized to do business in North Carolina, an irrevocable letter of credit or other instrument readily convertible into cash at face value payable to the Town of Troutman or placed in escrow with a financial institution designated as an official depository of the Town of Troutman. The bond or other instrument shall be in an amount equal to 1.25 times the total cost of the stormwater control structure, as estimated by the applicant and approved by the Watershed Review Board. The total cost of the stormwater control structure shall include the value of all materials such as piping and other structures; seeding and soil stabilization; design and engineering; and grading, excavation, fill, etc. The cost shall not be prorated as part of a larger project, but rather under the assumption of an independent mobilization.

(2) Cash or Equivalent Security Deposited After the Release of the Performance Bond. Consistent with Section 3.5.15(C)(1), the permit applicant shall deposit with the Town of Troutman either cash or other instrument approved by the Watershed Review Board that is readily convertible into cash at face value. The cash or security shall be in an amount equal to fifteen percent (15%) of the total cost of the stormwater control structure or the estimated cost of maintaining the stormwater control structure over a ten (10) year period, whichever is greater. The estimated cost of maintaining the stormwater control structure shall be consistent with the approved operation and maintenance plan or manual provided by the developer under Section 3.5.13(A). The amount shall be computed by estimating the maintenance cost for twenty-five (25) years and multiplying this amount by two fifths or 0.4.

C. Consistent with Section 3.5.10, the permit applicant shall enter into the binding Operation and Maintenance Agreement between the Watershed Review Board and all interests in the development. Said Agreement shall require the owning entity to maintain, repair, and if necessary, reconstruct the stormwater control structure in accordance with the operation management plan or manual provided by the developer. The Operation and Maintenance Agreement shall be filed with the Iredell County Register of Deeds by the Watershed Review Board.

D. Default under the performance bond or other security. Upon default of the permit applicant to complete and/or maintain the stormwater control structure as specified in the performance bond or other security, the Board may obtain and use all or any portion of the funds necessary to complete the improvements based on an engineering estimate. The Board shall return any funds not spent in completing the improvements to the owning entity.

E. Default under the cash security. Upon default of the owning entity to maintain, repair and, if necessary, reconstruct the stormwater control structure in accordance with the Operation and Maintenance Agreement, the Board shall obtain and use all or any portion of the cash security to make necessary improvements based on an engineering estimate. Such

expenditure of funds shall only be made after exhausting all other reasonable remedies seeking the owning entity to comply with the terms and conditions of the Operation and Maintenance Agreement. The Board shall not return any deposited cash funds.

Section 3.5.13 Maintenance and Upkeep

A. An operation and maintenance plan or manual shall be provided by the developer for each stormwater control structure, indicating what operation and maintenance actions are needed, what specific quantitative criteria will be used for determining when those actions are to be taken and, consistent with the Operation and Maintenance Agreement, who is responsible for those actions. The plan shall clearly indicate the steps that will be taken for restoring a stormwater control structure to design specifications if a failure occurs.

B. Landscaping and grounds management shall be the responsibility of the owning entity. However, vegetation shall not be established or allowed to mature to the extent that the integrity of the control structure is diminished or threatened, or to the extent of interfering with any easement or access to the stormwater control structure.

C. Except for general landscaping and grounds management, the owning entity shall notify the Zoning Administrator prior to any repair or reconstruction of the stormwater control structure. All improvements shall be made consistent with the approved plans and specifications of the stormwater control structure and the operation and maintenance plan or manual. After notification by the owning entity, the Zoning Administrator shall inspect the completed improvements and shall inform the owning entity of any required additions, changes, or modifications and of the time period to complete said improvements. The Zoning Administrator may consult with an engineer or landscape architect (to the extent that the General Statutes, Chapter 89A, allow) designated by the Watershed Review Board.

D. Amendments to the plans and specifications of the stormwater control structure and/or the operation and maintenance plan or manual shall be approved by the Watershed Review Board. Proposed changes shall be prepared by a North Carolina registered professional engineer or landscape architect (to the extent that the General Statutes, Chapter 89A, allow) and submitted to and reviewed by the Zoning Administrator prior by the Watershed Review Board.

1. If the Watershed Review Board approves the proposed changes, the owning entity of the stormwater control structure shall file sealed copies of the revisions with the Office of the Zoning Administrator.

2. If the Watershed Review Board disapproves the changes, the proposal may be revised and resubmitted to the Watershed Review Board as a new proposal. If the proposal has not been revised and is essentially the same as that already reviewed, it shall be returned to the applicant.

E. If the Watershed Review Board finds that the operation and maintenance plan or manual is inadequate for any reason, the Board shall notify the owning entity of any required changes and shall prepare and file copies of the revised agreement with the Iredell County

Register of Deeds, the Office of the Zoning Administrator and the owning entity.

Section 3.5.14 Application and Inspection Fees

A. Processing and inspection fees shall be submitted in the form of a check or money order made payable to the Town of Troutman. Applications shall be returned if not accompanied by the required fee.

B. A permit and inspection fee schedule, as approved by the Town of Troutman Board of Alderman, shall be posted in the Office of the Zoning Administrator.

C. Inspection fees shall be valid for 60 days. An inspection fee shall be required when improvements are made to the stormwater control structure consistent with Section 3.5.13(C), except in the case when a similar fee has been paid within the last 60 days.

Section 3.5.15 Inspections and Release of the Performance Bond

A. The stormwater control structure shall be inspected by the Zoning Administrator, after the owning entity notifies the Zoning Administrator that all work has been completed. At this inspection, the owning entity shall provide:

(1) The signed deed, related easements and survey plat for the stormwater control structure ready for filing with the Iredell County Register of Deeds;

(2) A certification sealed by an engineer or landscape architect (to the extent that the General Statutes, Chapter 89A, allow) stating that the stormwater control structure is complete and consistent with the approved plans and specifications.

B. The Zoning Administrator shall present the materials submitted by the developer and the inspection report and recommendations to the Watershed Review Board at its next regularly scheduled meeting.

(1) If the Board approves the inspection report and accepts the certification, deed, and easements, the Board shall file the deed and easements with the Iredell County Register of Deeds, release up to seventy-five percent (75%) of the value of the performance bond or other security and issue a Watershed Protection Occupancy Permit for the stormwater control structure.

(2) If deficiencies are found, the Board shall direct that improvements and inspections be made and/ or documents corrected and resubmitted to the Board.

C. No sooner than one year after the filing date of the deed, easements and

maintenance agreement, the developer may petition the Watershed Review Board to release the remaining value of the performance bond or other security. Upon receipt of said petition, the Zoning Administrator shall inspect the stormwater control structure to determine whether the controls are performing as designed and intended. The Zoning Administrator shall present the petition, inspection report, and recommendations to the Watershed Review Board.

(1) If the Board approves the report and accepts the petition, the developer shall deposit with the Watershed Review Board a cash amount equal to that described in Section 3.5.12(B)(2) after which, the Board shall release the performance bond or other security.

(2) If the Board does not accept the report and rejects the petition, the Board shall provide the developer with instructions to correct any deficiencies and all steps necessary for the release the performance bond or other security.

Section 3.5.16 Sanctions

In addition to the remedies described in this Ordinance and consistent with G.S. 160A-175, the Watershed Review Board may seek enforcement of this Ordinance through the Town of Troutman Board of Alderman by assessing a civil penalty to be recovered by the Town of Troutman in a civil action in the nature of debt if the offender does not pay the penalty in a prescribed period of time after being cited for violation of the Ordinance. Said violation may be enforced by an appropriate equitable remedy issuing from a court of competent jurisdiction. The court may issue an injunction and order of abatement commanding the defendant to correct the unlawful condition upon or cease the unlawful use of the property. The action shall be governed in all respects by the laws and rules governing civil proceeding, including the Rules of Civil Procedure in general and Rule 65 in particular. If the defendant fails or refuses to comply with an injunction or with an order of abatement with the time allowed by the court, the defendant may be cited for contempt and the Town of Troutman may execute the order of abatement. The Town of Troutman shall have a lien on the property for the cost of executing an order of abatement in the nature of a mechanic's and material man's lien. The defendant may secure cancellation of an order of abatement by paying all costs of the proceeding and posting a bond for compliance with order. The bond shall be given with sureties approved by the Clerk of Superior Court in an amount approved by the judge before whom the matter is heard and shall be conditioned on the defendant's full compliance with the terms of the order of abatement within a time fixed by the judge. Cancellation of an order of abatement shall not suspend or cancel an injunction issued in conjunction therewith. Enforcement of this ordinance may be by any one, all or a combination of the remedies authorized in this Ordinance. Each day's continuing violation shall be a separate and distinct offense.

Section 3.6 Flood Damage Prevention Overlay District

3.6.1 Statutory Authorization

The Legislature of the State of North Carolina has in Part 6, Article 21 of Chapter 143; Parts 3, 5, and 8 of Article 19 of Chapter 160A; and Article 8 of Chapter 160A of the North Carolina General Statutes, delegated to local governmental units the responsibility to adopt regulations designed to promote the public health, safety, and general welfare.

Therefore, the Board of Aldermen of the Town of Troutman, North Carolina, does ordain as follows:

3.6.2 Definitions

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance it's most reasonable application.

“Accessory Structure (Appurtenant Structure)” means a structure located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Garages, carports and storage sheds are common urban accessory structures. Pole barns, hay sheds and the like qualify as accessory structures on farms, and may or may not be located on the same parcel as the farm dwelling or shop building.

“Addition (to an existing building)” means an extension or increase in the floor area or height of a building or structure.

“Appeal” means a request for a review of the Floodplain Administrator's interpretation of any provision of this ordinance.

“Area of Shallow Flooding” means a designated Zone AO on a community's Flood Insurance Rate Map (FIRM) with base flood depths determined to be from one (1) to three (3) feet. These areas are located where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

“Area of Special Flood Hazard” see “Special Flood Hazard Area (SFHA)”.

“Base Flood” means the flood having a one (1) percent chance of being equaled or exceeded in any given year.

“Base Flood Elevation (BFE)” means a determination of the water surface elevations of the base flood as published in the Flood Insurance Study. When the BFE has not been provided in a “Special Flood Hazard Area”, it may be obtained from engineering studies available from a Federal, State, or other source using FEMA approved engineering methodologies. This elevation, when combined with the “Freeboard”, establishes the “Regulatory Flood Protection Elevation”.

“Basement” means any area of the building having its floor subgrade (below ground level) on all sides.

“Building” see “Structure”.

“Chemical Storage Facility” means a building, portion of a building, or exterior area adjacent to a building used for the storage of any chemical or chemically reactive products.

“Development” means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

“Development Activity” means above activity which will necessitate a Floodplain Development Permit.

“Disposal” means, as defined in NCGS 130A-290(a)(6), the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste into or on any land or water so that the solid waste or any constituent part of the solid waste may enter the environment or be emitted into the air or discharged into any waters, including groundwaters.

“Elevated Building” means a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

“Encroachment” means the advance or infringement of uses, fill, excavation, buildings, structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

“Existing Manufactured Home Park or Manufactured Home Subdivision” means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed before the initial effective date of the floodplain management regulations adopted by the community.

“Flood” or “Flooding” means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) the overflow of inland or tidal waters; and/or
- (2) the unusual and rapid accumulation of runoff of surface waters from any source.

“Flood Boundary and Floodway Map (FBFM)” means an official map of a community, issued by the Federal Emergency Management Agency, on which the Special Flood Hazard Areas and the floodways are delineated. This official map is a supplement to and shall be used in conjunction with the Flood Insurance Rate Map (FIRM).

“Flood Hazard Boundary Map (FHBM)” means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the Special Flood Hazard Areas have been defined as Zone A.

“Flood Insurance” means the insurance coverage provided under the National Flood Insurance Program.

“Flood Insurance Rate Map (FIRM)” means an official map of a community, issued by the Federal Emergency Management Agency, on which both the Special Flood Hazard Areas and the risk premium zones applicable to the community are delineated.

“Flood Insurance Study (FIS)” means an examination, evaluation, and determination of flood hazards, corresponding water surface elevations (if appropriate), flood hazard risk zones, and other flood data in a community issued by the Federal Emergency Management Agency. The Flood Insurance Study report includes Flood Insurance Rate Maps (FIRMs) and Flood Boundary and Floodway Maps (FBFMs), if published.

“Flood Prone Area” see “Floodplain”

“Flood Zone” means a geographical area shown on a Flood Hazard Boundary Map or Flood Insurance Rate Map that reflects the severity or type of flooding in the area.

“Floodplain” means any land area susceptible to being inundated by water from any source.

“Floodplain Administrator” is the individual appointed to administer and enforce the floodplain management regulations.

“Floodplain Development Permit” means any type of permit that is required in conformance with the provisions of this ordinance, prior to the commencement of any development activity.

“Floodplain Management” means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including, but not limited to, emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

“Floodplain Management Regulations” means this ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances, and other applications of police power. This term describes Federal, State or local regulations, in any combination thereof, which provide standards for preventing and reducing flood loss and damage.

“Floodproofing” means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitation facilities, structures, and their contents.

“Floodway” means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

“Freeboard” means the height added to the Base Flood Elevation (BFE) to account for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, blockage of bridge openings, and the hydrological effect of urbanization of the watershed. The Base Flood Elevation (BFE) plus the freeboard establishes the “Regulatory Flood Protection Elevation”.

“Functionally Dependent Facility” means a facility which cannot be used for its intended purpose unless it is located in close proximity to water, limited to a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, or ship repair. The term does not include long-term storage, manufacture, sales, or service facilities.

“Hazardous Waste Management Facility” means, as defined in NCGS 130A, Article 9, a facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste.

“Highest Adjacent Grade (HAG)” means the highest natural elevation of the ground surface, prior to construction, immediately next to the proposed walls of the structure.

“Historic Structure” means any structure that is:

- (a) listed individually in the National Register of Historic Places (a listing maintained by the US Department of Interior) or preliminarily determined by the Secretary of Interior as meeting the requirements for individual listing on the National Register;
- (b) certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (c) individually listed on a local inventory of historic landmarks in communities with a “Certified Local Government (CLG) Program”; or
- (d) certified as contributing to the historical significance of a historic district designated by a community with a “Certified Local Government (CLG) Program”.

Certified Local Government (CLG) Programs are approved by the US Department of the Interior in cooperation with the North Carolina Department of Cultural Resources through the State Historic Preservation Officer as having met the requirements of the National Historic Preservation Act of 1966 as amended in 1980.

“Lowest Adjacent Grade (LAG)” means the elevation of the ground, sidewalk or patio slab immediately next to the building, or deck support, after completion of the building.

“Lowest Floor” means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or limited storage in an area other than a basement area is not considered a building's lowest floor,

provided that such an enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

“Manufactured Home” means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term “manufactured home” does not include a “recreational vehicle”.

“Manufactured Home Park or Subdivision” means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

“Market Value” means the building value, not including the land value and that of any accessory structures or other improvements on the lot. Market value may be established by independent certified appraisal; replacement cost depreciated for age of building and quality of construction (Actual Cash Value); or adjusted tax assessed values.

“Mean Sea Level” means, for purposes of this ordinance, the National Geodetic Vertical Datum (NGVD) as corrected in 1929, the North American Vertical Datum (NAVD) as corrected in 1988, or other vertical control datum used as a reference for establishing varying elevations within the floodplain, to which Base Flood Elevations (BFEs) shown on a FIRM are referenced. Refer to each FIRM panel to determine datum used.

“New Construction” means structures for which the “start of construction” commenced on or after the effective date of the initial floodplain management regulations and includes any subsequent improvements to such structures.

“Non-Encroachment Area” means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot as designated in the Flood Insurance Study report.

“Post-FIRM” means construction or other development for which the “start of construction” occurred on or after the effective date of the initial Flood Insurance Rate Map.

“Pre-FIRM” means construction or other development for which the “start of construction” occurred before the effective date of the initial Flood Insurance Rate Map.

“Principally Above Ground” means that at least 51% of the actual cash value of the structure is above ground.

“Public Safety” and/or “Nuisance” means anything which is injurious to the safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

“Recreational Vehicle (RV)” means a vehicle, which is:

- (a) built on a single chassis;
- (b) 400 square feet or less when measured at the largest horizontal projection;
- (c) designed to be self-propelled or permanently towable by a light duty truck; and
- (d) designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use.

“Reference Level” is the top of the lowest floor for structures within Special Flood Hazard Areas designated as Zone AE, A, A99 or AO.

“Regulatory Flood Protection Elevation” means the “Base Flood Elevation” plus the “Freeboard”. In “Special Flood Hazard Areas” where Base Flood Elevations (BFEs) have been determined, this elevation shall be the BFE plus two (2) feet of freeboard. In “Special Flood Hazard Areas” where no BFE has been established, this elevation shall be at least two (2) feet above the highest adjacent grade.

“Remedy a Violation” means to bring the structure or other development into compliance with State and community floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing Federal financial exposure with regard to the structure or other development.

“Riverine” means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

“Salvage Yard” means any non-residential property used for the storage, collection, and/or recycling of any type of equipment, and including but not limited to vehicles, appliances and related machinery.

“Solid Waste Disposal Facility” means any facility involved in the disposal of solid waste, as defined in NCGS 130A-290(a)(35).

“Solid Waste Disposal Site” means, as defined in NCGS 130A-290(a)(36), any place at which solid wastes are disposed of by incineration, sanitary landfill, or any other method.

“Special Flood Hazard Area (SFHA)” means the land in the floodplain subject to a one percent (1%) or greater chance of being flooded in any given year, as determined in 3.6.7 of this ordinance.

“Start of Construction” includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation,

addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

“Structure” means a walled and roofed building, a manufactured home, or a gas, liquid, or liquefied gas storage tank that is principally above ground.

“Substantial Damage” means damage of any origin sustained by a structure during any one-year period whereby the cost of restoring the structure to it’s before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. See definition of “substantial improvement”. Substantial damage also means flood-related damage sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

“Substantial Improvement” means any combination of repairs, reconstruction, rehabilitation, addition, or other improvement of a structure, taking place during any one-year period for which the cost equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage”, regardless of the actual repair work performed. The term does not, however, include either:

- (a) any correction of existing violations of State or community health, sanitary, or safety code specifications which have been identified by the community code enforcement official and which are the minimum necessary to assure safe living conditions; or
- (b) any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure and the alteration is approved by variance issued pursuant to 3.6.18 of this ordinance.

“Variance” is a grant of relief from the requirements of this ordinance.

“Violation” means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 3.6.8 and 3.6.9 is presumed to be in violation until such time as that documentation is provided.

“Water Surface Elevation (WSE)” means the height, in relation to mean sea level, of floods of various magnitudes and frequencies in the floodplains of riverine areas.

“Watercourse” means a lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

3.6.3 Findings of Fact

- A. The flood prone areas within the jurisdiction of the Town of Troutman are subject to periodic inundation which results in loss of life, property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures of flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
- B. These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities and by the occupancy in flood prone areas of uses vulnerable to floods or other hazards.

3.6.4 Statement of Purpose

It is the purpose of this section is to promote public health, safety, and general welfare and to minimize public and private losses due to flood conditions within flood prone areas by provisions designed to:

- A. Restrict or prohibit uses that are dangerous to health, safety, and property due to water or erosion hazards or that result in damaging increases in erosion, flood heights or velocities;
- B. Require that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;
- C. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters;
- D. Control filling, grading, dredging, and all other development that may increase erosion or flood damage; and
- E. Prevent or regulate the construction of flood barriers that will unnaturally divert flood waters or which may increase flood hazards to other lands.

3.6.5 Objectives

The objectives of this section are to:

- A. Protect human life, safety, and health;
- B. Minimize expenditure of public money for costly flood control projects;
- C. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. Minimize prolonged business losses and interruptions;
- E. Minimize damage to public facilities and utilities (i.e. water and gas mains, electric, telephone, cable and sewer lines, streets, and bridges) that are located in flood prone areas;

- F. Help maintain a stable tax base by providing for the sound use and development of flood prone areas; and
- G. Ensure that potential buyers are aware that property is in a Special Flood Hazard Area.

3.6.6 Lands to Which this Section Applies

This section shall apply to all Special Flood Hazard Areas within the jurisdiction, including Extra-Territorial Jurisdictions (ETJs), of the Town of Troutman and within the jurisdiction of any other community whose governing body agrees, by resolution, to such applicability.

3.6.7 Basis for Establishing the Special Flood Hazard Areas

The Special Flood Hazard Areas are those identified under the Cooperating Technical State (CTS) agreement between the State of North Carolina and FEMA in its Flood Insurance Study (FIS) for Iredell County, dated March 18, 2008 and its accompanying Flood Insurance Rate Map Panels (4659, 4721, 4730, 4731, 4732, 4740, 4742, & 4752), including any digital data developed as part of the FIS, which are adopted by reference and declared to be a part of this ordinance. Future revisions to the FIS or FIRM panels that do not change flood hazard data within the jurisdictional authority of the Town of Troutman are also adopted by reference and declared to be part of this ordinance. Subsequent revisions to the FIRM should be adopted within 12 months.

The initial Flood Insurance Rate Map for Iredell County, dated May 15, 1980

The initial Flood Insurance Rate Map for the Town of Troutman, dated March 18, 2008

3.6.8 Establishment of Floodplain Development Permit

A Floodplain Development Permit shall be required in conformance with the provisions of this ordinance prior to the commencement of any development activities within Special Flood Hazard Areas determined in accordance with the provisions of 3.6.7 of this ordinance.

3.6.9 Compliance

No structure or land shall hereafter be located, extended, converted, altered, or developed in any way without full compliance with the terms of this ordinance and other applicable regulations.

3.6.10 Abrogation and Greater Restrictions

This section is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

3.6.11 Interpretation

In the interpretation and application of this ordinance, all provisions shall be:

- A. Considered as minimum requirements;
- B. Liberally construed in favor of the governing body; and
- C. Deemed neither to limit nor repeal any other powers granted under State statutes.

3.6.12 Warning and Disclaimer of Liability

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur. Actual flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the Special Flood Hazard Areas or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the Town of Troutman or by any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

3.6.13 Penalties for Violation

Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$50.00 or imprisoned for not more than thirty (30) days, or both. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Town of Troutman from taking such other lawful action as is necessary to prevent or remedy any violation.

3.6.14 Designation of Floodplain Administrator

The Planning Director or his/her designee, hereinafter referred to as the “Floodplain Administrator”, is hereby appointed to administer and implement the provisions of this ordinance.

3.6.15 Floodplain Development Application, Permit, and Certification Requirements

A. Application Requirements: Application for a Floodplain Development Permit shall be made to the Floodplain Administrator prior to any development activities located within Special Flood Hazard Areas. The following items shall be presented to the Floodplain Administrator to apply for a floodplain development permit:

1. A plot plan drawn to scale which shall include, but shall not be limited to, the following specific details of the proposed floodplain development:
 - a. the nature, location, dimensions, and elevations of the area of development/disturbance; existing and proposed structures, utility systems, grading/pavement areas, fill materials, storage areas, drainage facilities, and other development;*
 - b. the boundary of the Special Flood Hazard Area as delineated on the FIRM or other flood map as determined in 3.6.7, or a statement that the entire lot is within the Special Flood Hazard Area;*
 - c. Flood zone(s) designation of the proposed development area as determined on the FIRM or other flood map as determined in 3.6.7;*
 - d. The boundary of the floodway(s) or non-encroachment area(s) as determined in 3.6.7;*
 - e. The Base Flood Elevation (BFE) where provided as set forth in 3.6.7; 3.6.16; or 3.6.22;*

- f. The old and new location of any watercourse that will be altered or relocated as a result of proposed development; and*
- g. The certification of the plot plan by a registered land surveyor or profession engineer.*
- 2. Proposed elevation, and method thereof, of all development within a Special Flood Hazard Area including but not limited to:
 - a. Elevation in relation to mean sea level of the proposed reference level (including basement) of all structures;
 - b. Elevation in relation to mean sea level to which any non-residential structure in Zone AE or A will be floodproofed; and
 - c. Elevation in relation to mean sea level to which any proposed utility systems will be elevated or floodproofed.
- 3. If floodproofing, a Floodproofing Certificate (FEMA Form 81-65) with supporting data and an operational plan that includes, but is not limited to, installation, exercise, and maintenance of floodproofing measures.
- 4. A Foundation Plan, drawn to scale, which shall include details of the proposed foundation system to ensure all provisions of this ordinance are met. These details include but are not limited to:
 - a. The proposed method of elevation, if applicable (i.e., fill, solid foundation perimeter wall, solid backfilled foundation, open foundation on columns/posts/piers/piles/shear walls); and
 - b. Openings to facilitate automatic equalization of hydrostatic flood forces on walls in accordance with 3.6.20.D.3 when solid foundation perimeter walls are used in Zones A, AE, and A1-30.
- 5. Usage details of any enclosed areas below the lowest floor.
- 6. Plans and/or details for the protection of public utilities and facilities such as sewer, gas, electrical, and water systems to be located and constructed to minimize flood damage.
- 7. Certification that all other Local, State and Federal permits required prior to floodplain development permit issuance have been received.
- 8. Documentation for placement of Recreational Vehicles and/or Temporary Structures, when applicable, to ensure that the provisions of 3.6.20.F and G of this ordinance are met.
- 9. A description of proposed watercourse alteration or relocation, when applicable, including an engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map (if not shown on plot plan) showing the location of the proposed watercourse alteration or relocation.

B. Permit Requirements: The Floodplain Development Permit shall include, but not be limited to:

1. A description of the development to be permitted under the floodplain development permit.
2. The Special Flood Hazard Area determination for the proposed development in accordance with available data specified in 3.6.7.
3. The regulatory flood protection elevation required for the reference level and all attendant utilities.
4. The regulatory flood protection elevation required for the protection of all public utilities.
5. All certification submittal requirements with timelines.
6. A statement that no fill material or other development shall encroach into the floodway or non-encroachment area of any watercourse, as applicable.
7. The flood openings requirements, if in Zones A, AE or A1-30.
8. Limitations of below BFE enclosure uses (if applicable). (i.e., parking, building access and limited storage only).

C. Certification Requirements.

1. Elevation Certificates

- a. An Elevation Certificate (FEMA Form 81-31) is required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the elevation of the reference level, in relation to mean sea level. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder prior to the beginning of construction. Failure to submit the certification or failure to make required corrections shall be cause to deny a floodplain development permit.
- b. A final as-built Elevation Certificate (FEMA Form 81-31) is required after construction is completed and prior to Certificate of Compliance/Occupancy issuance. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of final as-built construction of the elevation of the reference level and all attendant utilities. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to Certificate of Compliance/Occupancy issuance. In some instances, another certification may be required to certify corrected as-built construction. Failure to submit the certification or failure to make required corrections shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.

2. Floodproofing Certificate

If non-residential floodproofing is used to meet the regulatory flood protection elevation requirements, a Floodproofing Certificate (FEMA Form 81-65), with supporting data, an

operational plan, and an inspection and maintenance plan are required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the floodproofed design elevation of the reference level and all attendant utilities, in relation to mean sea level. Floodproofing certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The Floodplain Administrator shall review the certificate data, the operational plan, and the inspection and maintenance plan. Deficiencies detected by such review shall be corrected by the applicant prior to permit approval. Failure to submit the certification or failure to make required corrections shall be cause to deny a floodplain development permit. Failure to construct in accordance with the certified design shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.

3. If a manufactured home is placed within Zone A, AE, or A1-30 and the elevation of the chassis is more than 36 inches in height above grade, an engineered foundation certification is required in accordance with the provisions of 3.6.20.C.2.
4. If a watercourse is to be altered or relocated, a description of the extent of watercourse alteration or relocation; a professional engineer's certified report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map showing the location of the proposed watercourse alteration or relocation shall all be submitted by the permit applicant prior to issuance of a floodplain development permit.
5. Certification Exemptions. The following structures, if located within Zone A, AE or A1-30, are exempt from the elevation/floodproofing certification requirements specified in items 1 and 2 of this subsection:
 - a. *Recreational Vehicles meeting requirements of 3.6.20.F.a;*
 - b. *Temporary Structures meeting requirements of 3.6.20.G; and*
 - c. *Accessory Structures less than 150 square feet meeting requirements of 3.6.20.H.*

3.6.16 Duties and Responsibilities of the Floodplain Administrator

The Floodplain Administrator shall perform, but not be limited to, the following duties:

- A. Review all floodplain development applications and issue permits for all proposed development within Special Flood Hazard Areas to assure that the requirements of this ordinance have been satisfied.
- B. Review all proposed development within Special Flood Hazard Areas to assure that all necessary Local, State and Federal permits have been received.
- C. Notify adjacent communities and the North Carolina Department of Public Safety, Division of Emergency Management, State Coordinator for the National Flood Insurance Program

- prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency (FEMA).
- D. Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is maintained.
 - E. Prevent encroachments into floodways and non-encroachment areas unless the certification and flood hazard reduction provisions of 3.6.24 are met.
 - F. Obtain actual elevation (in relation to mean sea level) of the reference level (including basement) and all attendant utilities of all new and substantially improved structures, in accordance with the provisions of 3.6.15.C.
 - G. Obtain actual elevation (in relation to mean sea level) to which all new and substantially improved structures and utilities have been floodproofed, in accordance with the provisions of 3.6.15.C.
 - H. Obtain actual elevation (in relation to mean sea level) of all public utilities in accordance with the provisions of 3.6.15.C.
 - I. When floodproofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect in accordance with the provisions of 3.6.15.C and 3.6.20.B.
 - J. Where interpretation is needed as to the exact location of boundaries of the Special Flood Hazard Areas, floodways, or non-encroachment areas (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in subsection 3.6.7.
 - K. When Base Flood Elevation (BFE) data has not been provided in accordance with the provisions of 3.6.7 obtain, review, and reasonably utilize any Base Flood Elevation (BFE) data, along with floodway data or non-encroachment area data available from a Federal, State, or other source, including data developed pursuant to 3.6.22.B.2, in order to administer the provisions of this ordinance.
 - L. When Base Flood Elevation (BFE) data is provided but no floodway or non-encroachment area data has been provided in accordance with the provisions of 3.6.7, obtain, review, and reasonably utilize any floodway data or non-encroachment area data available from a Federal, State, or other source in order to administer the provisions of this ordinance.
 - M. When the lowest floor and the lowest adjacent grade of a structure or the lowest ground elevation of a parcel in a Special Flood Hazard Area is above the Base Flood Elevation, advise the property owner of the option to apply for a Letter of Map Amendment (LOMA) from FEMA. Maintain a copy of the Letter of Map Amendment (LOMA) issued by FEMA in the floodplain development permit file.
 - N. Permanently maintain all records that pertain to the administration of this ordinance and make these records available for public inspection, recognizing that such information may be subject to the Privacy Act of 1974, as amended.
 - O. Make on-site inspections of work in progress. As the work pursuant to a floodplain development permit progresses, the Floodplain Administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of this section and the terms of the permit. In exercising this power, the Floodplain Administrator has a right, upon presentation of proper credentials, to enter on any premises within the jurisdiction of the community at any reasonable hour for the purposes of inspection or other enforcement action.

- P. Issue stop-work orders as required. Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this ordinance, the Floodplain Administrator may order the work to be immediately stopped. The stop-work order shall be in writing and directed to the person doing or in charge of the work. The stop-work order shall state the specific work to be stopped, the specific reason(s) for the stoppage, and the condition(s) under which the work may be resumed. Violation of a stop-work order constitutes a misdemeanor.
- Q. Revoke floodplain development permits as required. The Floodplain Administrator may revoke and require the return of the floodplain development permit by notifying the permit holder in writing stating the reason(s) for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, and specifications; for refusal or failure to comply with the requirements of State or local laws; or for false statements or misrepresentations made in securing the permit. Any floodplain development permit mistakenly issued in violation of an applicable State or local law may also be revoked.
- R. Make periodic inspections throughout the special flood hazard areas within the jurisdiction of the community. The Floodplain Administrator and each member of his or her inspections department shall have a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.
- S. Follow through with corrective procedures of Section 3.6.17.
- T. Review, provide input, and make recommendations for floodplain variance requests.
- U. Maintain a current map repository to include, but not limited to, the FIS Report, FIRM and other official flood maps and studies adopted in accordance with the provisions of 3.6.7 of this ordinance, including any revisions thereto including Letters of Map Change, issued by FEMA. Notify State and FEMA of mapping needs.
- V. Coordinate revisions to FIS reports and FIRMs, including Letters of Map Revision Based on Fill (LOMR-F) and Letters of Map Revision (LOMR).

3.6.17 Corrective Procedures

- A. Violations to be Corrected: When the Floodplain Administrator finds violations of applicable State and local laws, it shall be his or her duty to notify the owner or occupant of the building of the violation. The owner or occupant shall immediately remedy each of the violations of law cited in such notification.
- B. Actions in Event of Failure to Take Corrective Action: If the owner of a building or property shall fail to take prompt corrective action, the Floodplain Administrator shall give the owner written notice, by certified or registered mail to the owner's last known address or by personal service, stating:

1. That the building or property is in violation of the floodplain management regulations;
 2. That a hearing will be held before the Floodplain Administrator at a designated place and time, not later than ten (10) days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and
 3. That following the hearing, the Floodplain Administrator may issue an order to alter, vacate, or demolish the building; or to remove fill as applicable.
- C. Order to Take Corrective Action: If, upon a hearing held pursuant to the notice prescribed above, the Floodplain Administrator shall find that the building or development is in violation of the Flood Damage Prevention Ordinance, they shall issue an order in writing to the owner, requiring the owner to remedy the violation within a specified time period, not less than sixty (60) calendar days, nor more than one hundred eighty (180) calendar days. Where the Floodplain Administrator finds that there is imminent danger to life or other property, they may order that corrective action be taken in such lesser period as may be feasible.
- D. Appeal: Any owner who has received an order to take corrective action may appeal the order to the local elected governing body by giving notice of appeal in writing to the Floodplain Administrator and the clerk within ten (10) days following issuance of the final order. In the absence of an appeal, the order of the Floodplain Administrator shall be final. The local governing body shall hear an appeal within a reasonable time and may affirm, modify and affirm, or revoke the order.
- E. Failure to Comply with Order: If the owner of a building or property fails to comply with an order to take corrective action for which no appeal has been made or fails to comply with an order of the governing body following an appeal, the owner shall be guilty of a misdemeanor and shall be punished at the discretion of the court.

3.6.18 Floodplain Variance Procedures

- A. The Board of Adjustment as established by the Town of Troutman, hereinafter referred to as the “appeal board”, shall hear and decide requests for floodplain variances from the requirements of this section.
- B. Any person aggrieved by the decision of the appeal board may appeal such decision to the Court, as provided in Chapter 7A of the North Carolina General Statutes.
- C. Floodplain variances may be issued for:
1. The repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and that the variance is the minimum necessary to preserve the historic character and design of the structure;

2. Functionally dependent facilities if determined to meet the definition as stated in 3.6.2 of this Ordinance, provided provisions of 3.6.18.I.2, 3 and 5 have been satisfied, and such facilities are protected by methods that minimize flood damages during the base flood and create no additional threats to public safety; or
 3. Any other type of development, provided it meets the requirements of this subsection.
- D. In passing upon floodplain variances, the appeal board shall consider all technical evaluations, all relevant factors, all standards specified in this section, and:
1. The danger that materials may be swept onto other lands to the injury of others;
 2. The danger to life and property due to flooding or erosion damage;
 3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 4. The importance of the services provided by the proposed facility to the community;
 5. The necessity to the facility of a waterfront location as defined in 3.6.2 of this ordinance as a functionally dependent facility, where applicable;
 6. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
 7. The compatibility of the proposed use with existing and anticipated development;
 8. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 9. The safety of access to the property in times of flood for ordinary and emergency vehicles;
 10. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
 11. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.
- E. A written report addressing each of the above factors shall be submitted with the application for a floodplain variance.
- F. Upon consideration of the factors listed above and the purposes of this ordinance, the appeal board may attach such conditions to the granting of floodplain variances as it deems necessary to further the purposes and objectives of this ordinance.
- G. Any applicant to whom a floodplain variance is granted shall be given written notice specifying the difference between the Base Flood Elevation (BFE) and the elevation to which the structure is to be built and that such construction below the Base Flood Elevation increases risks to life and property, and that the issuance of a floodplain variance to construct a structure below the Base Flood Elevation will result in increased premium rates for flood insurance up to \$25 per \$100 of insurance coverage. Such notification shall be maintained with a record of all floodplain variance actions, including justification for their issuance.

- H. The Floodplain Administrator shall maintain the records of all appeal actions and report any floodplain variances to the Federal Emergency Management Agency and the State of North Carolina upon request.
- I. Conditions for Floodplain Variances:
 - 1. Floodplain variances shall not be issued when the floodplain variance will make the structure in violation of other Federal, State, or local laws, regulations, or ordinances.
 - 2. Floodplain variances shall not be issued within any designated floodway or non-encroachment area if the floodplain variance would result in any increase in flood levels during the base flood discharge.
 - 3. Floodplain variances shall only be issued upon a determination that the floodplain variance is the minimum necessary, considering the flood hazard, to afford relief.
 - 4. Floodplain variances shall only be issued prior to development permit approval.
 - 5. Floodplain variances shall only be issued upon:
 - a. A showing of good and sufficient cause;
 - b. A determination that failure to grant the floodplain variance would result in exceptional hardship; and
 - c. A determination that the granting of a floodplain variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- J. A floodplain variance may be issued for solid waste disposal facilities or sites, hazardous waste management facilities, salvage yards, and chemical storage facilities that are located in Special Flood Hazard Areas provided that all of the following conditions are met.
 - 1. The use serves a critical need in the community.
 - 2. No feasible location exists for the use outside the Special Flood Hazard Area.
 - 3. The reference level of any structure is elevated or floodproofed to at least the regulatory flood protection elevation.
 - 4. The use complies with all other applicable Federal, State and local laws.
 - 5. The Town of Troutman has notified the Secretary of the North Carolina Department of Public Safety of its intention to grant a floodplain variance at least thirty (30) calendar days prior to granting the floodplain variance.

3.6.19 Provisions for All Special Flood Hazard Areas

In all Special Flood Hazard Areas the following provisions are required:

- A. All new construction and substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse, and lateral movement of the structure.
- B. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- C. All new construction and substantial improvements shall be constructed by methods and practices that minimize flood damages.

- D. Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding to the regulatory flood protection elevation. These include, but are not limited to, HVAC equipment, water softener units, bath/kitchen fixtures, ductwork, electric/gas meter panels/boxes, utility/cable boxes, hot water heaters, and electric outlets/switches.
- E. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
- F. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into flood waters.
- G. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
- H. Any alteration, repair, reconstruction, or improvements to a structure, which is in compliance with the provisions of this ordinance, shall meet the requirements of “new construction” as contained in this ordinance.
- I. Nothing in this ordinance shall prevent the repair, reconstruction, or replacement of a building or structure existing on the effective date of this ordinance and located totally or partially within the floodway, non-encroachment area, or stream setback, provided there is no additional encroachment below the regulatory flood protection elevation in the floodway, non-encroachment area, or stream setback, and provided that such repair, reconstruction, or replacement meets all of the other requirements of this ordinance.
- J. New solid waste disposal facilities and sites, hazardous waste management facilities, salvage yards, and chemical storage facilities shall not be permitted, except by floodplain variance as specified in 3.6.18.J. A structure or tank for chemical or fuel storage incidental to an allowed use or to the operation of a water treatment plant or wastewater treatment facility may be located in a Special Flood Hazard Area only if the structure or tank is either elevated or floodproofed to at least the regulatory flood protection elevation and certified in accordance with the provisions of 3.6.15.C.
- K. All subdivision proposals and other development proposals shall be consistent with the need to minimize flood damage.
- L. All subdivision proposals and other development proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
- M. All subdivision proposals and other development proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- N. All subdivision proposals and other development proposals shall have received all necessary permits from those governmental agencies for which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
- O. When a structure is partially located in a Special Flood Hazard Area, the entire structure shall meet the requirements for new construction and substantial improvements.
- P. When a structure is located in multiple flood hazard zones or in a flood hazard risk zone with multiple base flood elevations, the provisions for the more restrictive flood hazard risk zone and the highest base flood elevation shall apply.

3.6.20 Provisions for All Special Flood Hazard Areas where Base Flood Elevation Data is Provided

In all Special Flood Hazard Areas where BFE data has been provided, as set forth in 3.6.7, or 3.6.22, the following provisions, in addition to the provisions of 3.6.19, are required:

- A. Residential Construction. New construction and substantial improvement of any residential structure (including manufactured homes) shall have the reference level, including basement, elevated no lower than the regulatory flood protection elevation, as defined in 3.6.2 of this ordinance.
- B. Non-Residential Construction. New construction and substantial improvement of any commercial, industrial, or other non-residential structure shall have the reference level, including basement, elevated no lower than the regulatory flood protection elevation, as defined in 3.6.2 of this Ordinance. Structures located in A, AE, and A1-30 Zones may be floodproofed to the regulatory flood protection elevation in lieu of elevation provided that all areas of the structure, together with attendant utility and sanitary facilities, below the regulatory flood protection elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the floodproofing standards of this subsection are satisfied. Such certification shall be provided to the Floodplain Administrator as set forth in 3.6.14.C, along with the required operational plan and maintenance and inspection plans.
- C. Manufactured Homes.
 - 1. New and replacement manufactured homes shall be elevated so that the reference level of the manufactured home is no lower than the regulatory flood protection elevation, as defined in 3.6.2 of this Ordinance.
 - 2. Manufactured homes shall be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement, either by certified engineered foundation system, or in accordance with the most current edition of the State of North Carolina Regulations for Manufactured Homes adopted by the Commissioner of Insurance pursuant to NCGS 143-143.15. Additionally, when the elevation would be met by an elevation of the chassis thirty-six (36) inches or less above the grade at the site, the chassis shall be supported by reinforced piers or engineered foundation. When the elevation of the chassis is above thirty-six (36) inches in height, an engineering certification is required.
 - 3. All enclosures or skirting below the lowest floor shall meet the requirements of 3.6.20.D.
 - 4. An evacuation plan must be developed for evacuation of all residents of all new, substantially improved or substantially damaged manufactured home parks or subdivisions located within flood prone areas. This plan shall be filed with and approved by the Floodplain Administrator and the local Emergency Management coordinator.
- D. Elevated Buildings. Fully enclosed area, of new construction and substantially improved structures, which is below the lowest floor:

1. Shall not be designed or used for human habitation, but shall only be used for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator). The interior portion of such enclosed area shall not be finished or partitioned into separate rooms, except to enclose storage areas;
2. Shall be constructed entirely of flood resistant materials at least to the regulatory flood protection elevation; and
3. Shall include, in Zones A, AE, and A1-30, flood openings to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet or exceed the following minimum design criteria:
 - a. A minimum of two flood openings on different sides of each enclosed area subject to flooding;
 - b. The total net area of all flood openings must be at least one (1) square inch for each square foot of enclosed area subject to flooding;
 - c. If a building has more than one enclosed area, each enclosed area must have flood openings to allow floodwaters to automatically enter and exit;
 - d. The bottom of all required flood openings shall be no higher than one (1) foot above the adjacent grade;
 - e. Flood openings may be equipped with screens, louvers, or other coverings or devices, provided they permit the automatic flow of floodwaters in both directions; and
 - f. Enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require flood openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires flood openings as outlined above.

E. Additions/Improvements.

1. Additions and/or improvements to pre-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:
 - a. Not a substantial improvement, the addition and/or improvements must be designed to minimize flood damages and must not be any more non-conforming than the existing structure.
 - b. A substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.
2. Additions to post-FIRM structures with no modifications to the existing structure other than a standard door in the common wall shall require only the addition to comply with the standards for new construction.

3. Additions and/or improvements to post-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:
 - a. Not a substantial improvement, the addition and/or improvements only must comply with the standards for new construction.
 - b. A substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.

F. Recreational Vehicles. Recreational vehicles shall either:

1. Be on site for fewer than 180 consecutive days and be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities, and has no permanently attached additions); or
2. Meet all the requirements for new construction.

G. Temporary Non-Residential Structures.

Prior to the issuance of a floodplain development permit for a temporary structure, the applicant must submit to the Floodplain Administrator a plan for the removal of such structure(s) in the event of a hurricane, flash flood or other type of flood warning notification. The following information shall be submitted in writing to the Floodplain Administrator for review and written approval:

1. a specified time period for which the temporary use will be permitted. Time specified may not exceed three (3) months, renewable up to one (1) year;
2. the name, address, and phone number of the individual responsible for the removal of the temporary structure;
3. the time frame prior to the event at which a structure will be removed (i.e., minimum of 72 hours before landfall of a hurricane or immediately upon flood warning notification);
4. a copy of the contract or other suitable instrument with the entity responsible for physical removal of the structure; and
5. designation, accompanied by documentation, of a location outside the Special Flood Hazard Area, to which the temporary structure will be moved.

H. Accessory Structures. When accessory structures (sheds, detached garages, etc.) are to be placed within a Special Flood Hazard Area, the following criteria shall be met:

1. Accessory structures shall not be used for human habitation (including working, sleeping, living, cooking or restroom areas);
2. Accessory structures shall not be temperature-controlled;
3. Accessory structures shall be designed to have low flood damage potential;
4. Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;
5. Accessory structures shall be firmly anchored in accordance with the provisions of 3.6.19.A;
6. All service facilities such as electrical shall be installed in accordance with the provisions of 3.6.19.D; and
7. Flood openings to facilitate automatic equalization of hydrostatic flood forces shall be provided below regulatory flood protection elevation in conformance with the provisions of 3.6.20.D.3.

An accessory structure with a footprint less than 150 square feet that satisfies the criteria outlined above does not require an elevation or floodproofing certificate. Elevation or floodproofing certifications are required for all other accessory structures in accordance with 3.6.20.C.

3.6.21 Reserved

3.6.22 Standards for Floodplains without Established Base Flood Elevations

Within the Special Flood Hazard Areas designated as Approximate Zone A and established in 3.6.7, where no Base Flood Elevation (BFE) data has been provided by FEMA, the following provisions, in addition to the provisions of 3.6.19, shall apply:

- A. No encroachments, including fill, new construction, substantial improvements or new development shall be permitted within a distance of twenty (20) feet each side from top of bank or five times the width of the stream, whichever is greater, unless certification with supporting technical data by a registered professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- B. The BFE used in determining the regulatory flood protection elevation shall be determined based on the following criteria:
 1. When Base Flood Elevation (BFE) data is available from other sources, all new construction and substantial improvements within such areas shall also comply with all applicable provisions of this ordinance and shall be elevated or floodproofed in accordance with standards in 3.6.19 and 20.
 2. When floodway or nonencroachment data is available from a Federal, State, or other source, all new construction and substantial improvements within floodway or nonencroachment areas shall also comply with the requirements of 3.6.20 and 24.

3. All subdivision, manufactured home park and other development proposals shall provide Base Flood Elevation (BFE) data if development is greater than five (5) acres or has more than fifty (50) lots/manufactured home sites. Such Base Flood Elevation (BFE) data shall be adopted by reference in accordance with 3.6.7 and utilized in implementing this ordinance.
4. When Base Flood Elevation (BFE) data is not available from a Federal, State, or other source as outlined above, the reference level shall be elevated or floodproofed (nonresidential) to or above the regulatory flood protection elevation, as defined in 3.6.2. All other applicable provisions of 3.6.20 shall also apply.

3.6.23 Standards for Riverine Floodplains with Base Flood Elevations but without Floodways or Non-Encroachment Areas

Along rivers and streams where BFE data is provided by FEMA or is available from another source but neither floodway nor non-encroachment areas are identified for a Special Flood Hazard Area on the FIRM or in the FIS report, the following requirements shall apply to all development within such areas:

- A. Standards of 3.6.19 and 20; and
- B. Until a regulatory floodway or non-encroachment area is designated, no encroachments, including fill, new construction, substantial improvements, or other development, shall be permitted unless certification with supporting technical data by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community.

3.6.24 Floodways and Non-Encroachment Areas

Areas designated as floodways or non-encroachment areas are located within the Special Flood Hazard Areas established in 3.6.7. The floodways and non-encroachment areas are extremely hazardous areas due to the velocity of floodwaters that have erosion potential and carry debris and potential projectiles. The following provisions, in addition to standards outlined in 3.6.19-20, shall apply to all development within such areas:

- A. No encroachments, including fill, new construction, substantial improvements and other developments shall be permitted unless:
 1. It is demonstrated that the proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood, based on hydrologic and hydraulic analyses performed in accordance with standard engineering practice and presented to the Floodplain Administrator prior to issuance of floodplain development permit, or
 2. A Conditional Letter of Map Revision (CLOMR) has been approved by FEMA. A Letter of Map Revision (LOMR) must also be obtained upon completion of the proposed encroachment.

- B. If 3.6.24.A is satisfied, all development shall comply with all applicable flood hazard reduction provisions of this ordinance.
- C. No manufactured homes shall be permitted, except replacement manufactured homes in an existing manufactured home park or subdivision, provided the following provisions are met:
 - 1. The anchoring and the elevation standards of 3.6.20.C; and
 - 2. The no encroachment standard of 3.6.24.A.

3.6.25 Severability

If any section, clause, sentence, or phrase of the Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this Ordinance.

3.6.26 Effective Date

This section shall become effective May 6, 2013.